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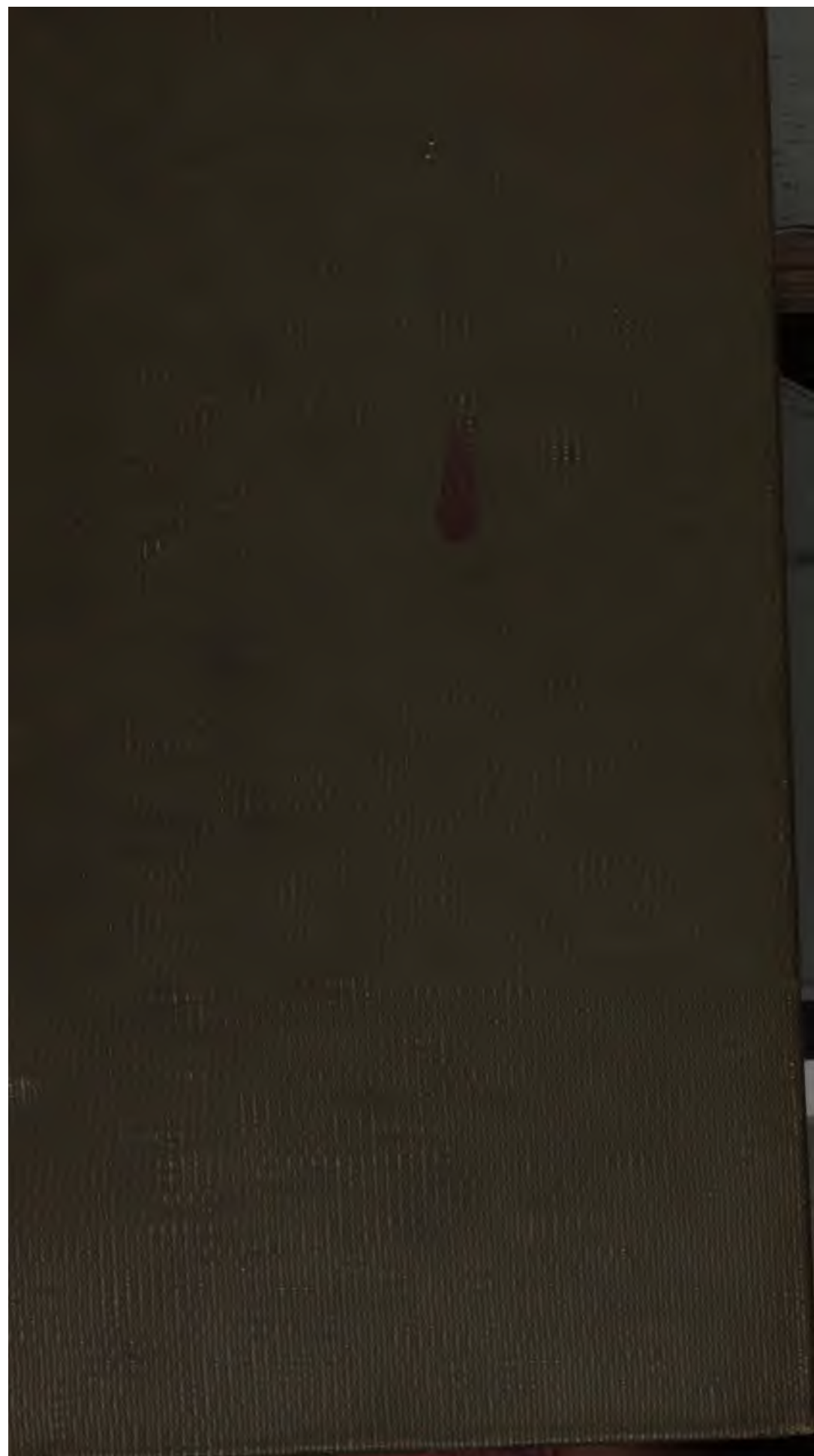
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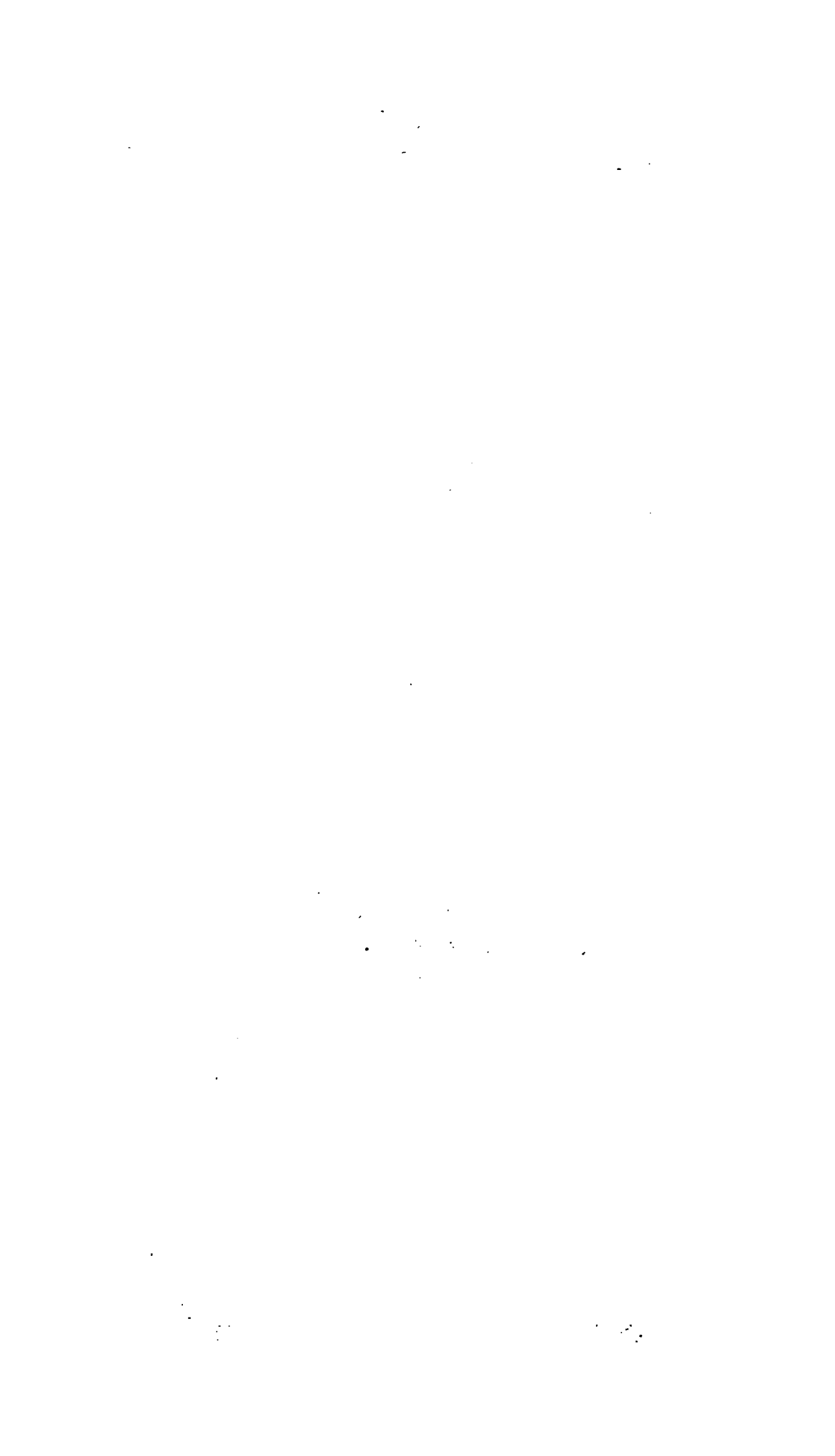
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**HISTORY**

**OF**

**C O N G R E S S .**

---



# **HISTORY**

*U. S. - 1st, 2d*  
**C O N G R E S S;**

EXHIBITING A CLASSIFICATION

OF

**THE PROCEEDINGS OF THE SENATE,**

AND

**THE HOUSE OF REPRESENTATIVES.**

---

## **VOLUME I.**

FROM MARCH 4, 1789, TO MARCH 3, 1793; EMBRACING THE FIRST TERM OF THE  
 ADMINISTRATION OF GENERAL WASHINGTON.

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PHILADELPHIA:  
**CAREY, LEA & BLANCHARD.**  
 1834.

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## **PREFACE.**

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THE object of this work, is to present a classification of the legislative measures of the first term of General Washington's administration. The multitudinous subjects which, in the Journals of the two houses, are scattered over the surface of thirteen hundred pages, requiring vast labour and a close scrutiny to discover and to disentangle them from the heterogeneous mass of which they form a part, are herein collected and arranged in system, so as to present at once the entire legislation on every topic of public interest and private concernment.

Connected with this order, an arrangement more general in its character presents the measures before the first and second Congresses, under distinct classes, divided into, and designated, Chapters, for the purpose of a more easy reference, and the more ready comprehension of the course of legislation. It will be perceived that the work embraces only such details as belong to the actual legislation of Congress. To have included the particulars of every individual application to the two houses, would have been to swell the volume to a cumbrous and unwieldy magnitude, without giving to it a corresponding increase of value. Equally impracticable would have been any effort to compress within convenient limits the important public papers communicated by the executive to the legislative branch. Some of these are eminently interesting in themselves, and others appear necessary to elucidate the causes and progress of legislation. Should the public decision as to the usefulness of the present



volume be such as to justify a continuance of the work, the whole of the public documents connected with the parliamentary history of the two terms of General Washington's administration, may be conveniently presented, condensed and arranged in a separate volume, after the completion of the legislative proceedings of that period.

No claim to literary merit can be founded on a publication which is the sole result of reference and research. It was regarded by judicious individuals, conversant with the business of Congress, and well acquainted with the difficulty of tracing the course of legislation in cases to which it may frequently be necessary to advert, as the preferable mode, to exclude from this work every thing which might have the slightest tendency to cloud succinctness, or invest accuracy with doubt. Such would probably have been the effect of adventuring into any latitude of remark, beyond the prescription of necessity. Copiousness, to as great an extent as the limited plan of the work would admit, was deemed of essential importance, in order, as far as possible, to obviate the indispensableness of recurring to the Journals themselves; and it will be apparent that the appropriation of any space to mere editorial observation must be a departure from that rule. It can be scarcely necessary to say more on the subject of the accuracy of the work than that the *pari passu* references to the Journals, while they present the strongest guarantees for fidelity of purpose, afford every facility for the correction of inadvertent errors; although, in some cases, the daily records of proceedings printed under the authority and inspection of Congress, have been found inaccurate or defective.

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HISTORY OF CONGRESS.

ORGANIZATION OF HOUSES—RULES, &c.

CHAPTER I.

Organization of Houses—Elections of Officers—Adoption of Rules—Examinations of Votes for President and Vice-President—Speeches of President on opening the Sessions—Addresses of the two Houses—Committees—Permanent Seat of Government—Journals—Times and Places of Meeting—Motions to open Doors of Senate—Stenographers.

CHAP. I.  
1st Congress.  
1st Session.  
Meeting of Congress.

THE First Congress of the United States, under the constitution of government proposed by the federal convention, held in Philadelphia on the 17th of September, 1787, assembled in the city of New York, on Wednesday, the 4th of March, 1789; eleven of the states, namely, New Hampshire, Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, South Carolina, and Georgia, having previously ratified the Constitution. On the first day of the session, the following senators and representatives appeared, and took their seats:—

1789.  
H. Journal,  
p. 3.

SENATORS.

Members present. John Langdon and Paine Wingate, } NEW HAMPSHIRE.  
Caleb Strong, — MASSACHUSETTS.  
Wm. S. Johnson and Oliver Ellsworth, } CONNECTICUT.  
William Maclay and Robert Morris, } PENNSYLVANIA.  
William Few, — GEORGIA.

REPRESENTATIVES.

George Thatcher, }  
Fisher Ames, } MASSACHUSETTS. S. Journal,  
George Leonard, } p. 5.  
Elbridge Gerry, }  
Benj. Huntington, }  
Jonathan Trumbull, } CONNECTICUT.  
Jeremiah Wadsworth, }  
Fred. Aug. Muhlenberg, }  
Thomas Hartley, } PENN.  
Peter Muhlenberg, }  
Daniel Heister, }  
Alexander White, — VIRGINIA.  
Thomas Tudor Tucker, — S. CAROLINA.



## CHAP. I.

## Organization of Houses—Rules, &amp;c.

1789.

- 1st Congress.  
1st Session.** tors present, addressed a circular letter to the absent members of that body, describing the situation in which they found themselves placed, pointing out "the indispensable necessity of putting the government into immediate operation," and requesting the attendance of the absentees as soon as possible. On the 18th of March, no other senator having arrived, a second circular letter was addressed to eight of the absent senators, excluding those whose residences were so distant as to make it impossible that a letter would reach them previously to their departure on their public duties. The terms in which this second communication was couched were more urgent. It was suggested, that "the House of Representatives will probably be formed in two or three days;" that, therefore, the presence of the absent senators "is indispensably necessary;" and a confidence is expressed that they will not suffer "the public expectations to be disappointed." An efficient response to these applications does not appear to have been received until the 6th of April, some days after the appearance of a majority of the House of Representatives. S. Journal, p. 5, 6.
- Circular to absentees, Mar. 11th.**
- Second circular, Mar. 18th.**
- Quorum in the house.** On the 1st of April, thirty members of the house being present, constituting a quorum, a resolution was adopted to proceed to the choice of a speaker by ballot, and Frederick Augustus Muhlenberg, one of the representatives for the state of Pennsylvania, having received a majority of the votes of the whole house, was declared to be duly elected speaker of the house. The speaker was then conducted to the chair, and suitably acknowledged the honour which had been conferred upon him. Id. p. 6.
- Election of a speaker.**
- Appointment of a clerk.** Mr. John Beckley was then appointed clerk of the house, by a majority of the votes, the election being made by ballot, as in the choice of the speaker. An order was adopted that the members deliver in their credentials at the clerk's table. On the following day, a committee of eleven members was appointed "to prepare and report such standing rules and orders of proceeding as may be proper to be observed in this house," and Messrs. Gilman, Gerry, Wadsworth, Boudinot, Hartley, Smith, Lee, Tucker, Madison, Sherman, and Goodhue, were appointed such committee. An instruction was given to this committee to report, also, "the duties and services of a sergeant-at-arms, or other proper officer for enforcing the orders of the house." On the 4th of April, Gifford Dalley was elected by ballot to be door-keeper of the house, and Thomas Claxton was elected, in the same manner, to be assistant door-keeper. H. Journal, p. 6.
- Committee to prepare rules and report duties and services of a sergeant-at-arms.** Ibid.
- Election of door-keeper, and assistant door-keeper.** Ibid.
- Notwithstanding the efforts which were made to produce the

## CHAP. I.

## Organization of Houses—Rules, &amp;c.

1789.

1st Congress.  
1st Session.Quorum in  
the Senate.Election  
of a presi-  
dent.Votes for  
President  
and Vice-  
President  
of the Uni-  
ted States,  
counted.Bill to re-  
gulate ta-  
king oath.Form of  
oath.Bill to re-  
gulate ta-  
king oath.  
Read first  
and second  
time.Bill consid-  
ered and  
passed.

attendance of members, a quorum of the Senate was not obtained until Monday, the 6th of April; when, twelve senators being present, John Langdon, of New Hampshire, was elected president of that body, "for the sole purpose of opening and counting the votes for President of the United States." A message announcing the presence of a quorum, and the election of a president for the purpose above named, was then sent to the House of Representatives. The house then repaired to the senate chamber, where, in presence of the two houses, the votes for President and Vice-President of the United States were examined, by Mr. Patterson of New Jersey, acting as teller on the part of the Senate, and Mr. Parker of Virginia, and Mr. Heister of Pennsylvania, acting as tellers on the part of the house, and the president of the Senate declared the result to be that George Washington was unanimously elected President, and John Adams Vice-President of the United States. In compliance with a resolution of the house, the Senate then directed that the persons elected be notified of their election. On the same day, leave was given by the house to bring in a bill to regulate the taking the oath, or affirmation, prescribed by the sixth article of the Constitution: a committee, consisting of Messrs. White, Madison, Trumbull, Gilman, and Cadwalader, was appointed to prepare the same, and the following form of oath was prescribed:—

"I, A. B., a representative of the United States in the Congress thereof, do solemnly swear, or affirm, (as the case may be,) in the presence of Almighty God, that I will support the Constitution of the United States. So help me God."

On the 14th of April, Mr. White presented, according to order, a bill to regulate the taking the oath, or affirmation, prescribed by the sixth\* article of the Constitution, which was read the first time. On the 16th, the bill was read a second time, and committed. This bill occupied the attention of the house on the 20th and 22d in committee of the whole, when it was reported with amendments. On the 25th, the amendments were concurred in, and the bill was ordered to be engrossed; and the bill

S. Journal,  
p. 7.H. Journal,  
p. 7.Id. p. 8.  
S. Journal,  
p. 8.H. Journal,  
p. 7.

Id. p. 14.

Id. p. 15.

Id. p. 18,  
19, 20, 21.

\* The portion of the sixth article of the Constitution, referred to, is as follows:—

"The senators and representatives, before mentioned, and the members of the several state legislatures, and all executive and judicial officers, both of the United States, and of the several states, shall be bound by oath, or affirmation, to support this Constitution; but no religious test shall be required, as a qualification to any office, or public trust, under the United States."

1st Congress.  
1st Session.

Read in Se-  
nate a first  
and second  
time.

Amended  
and passed.

House  
amends.

was passed by the house on the 27th. The bill was received and read a first time in the Senate on the 28th of April: on the 29th, the bill received its second reading, and was committed. On the 2d of May, the bill was reported with amendments, which were concurred in by the Senate, on the following day. The bill was then ordered to be read a third time, and was passed on the 5th of May. On the 6th of May, the House of Representatives agreed to the amendments of the Senate, with an amendment.

S. Journal,  
p. 17.

Id. p. 18.

Id. p. 21,  
22.

H. Journal,  
p. 29.

It is to be regretted that the rules of the Senate, during the period embraced in this volume, preclude the possibility of reference to any debates which may have taken place in that body. One of the amendments made by the Senate, was in the following words:—

“Be it enacted, That the members of the several state legislatures, and all executive and judicial officers of the several states, who have been heretofore chosen or appointed, or who shall be chosen or appointed before the first day of August next, and also shall then be in office, shall, within one month thereafter, take the same oath or affirmation, except where they shall have taken it before; which may be administered by any person authorized by the law of the state, in which such office shall be holden, to administer oaths. And the members of the several state legislatures, and all executive and judicial officers of the several states, who shall be chosen or appointed after the said first day of August, shall, before they proceed to execute the duties of their respective offices, take the foregoing oath or affirmation, which shall be administered by the person or persons who by the law of the state shall be authorized to administer the oath of office; and the person or persons, so administering the oath, hereby required to be taken, shall cause a record, or certificate, thereof to be made, in the same manner, as, by the law of the state, he or they shall be directed to record or certify the oath of office.”

Lloyd's  
Congres-  
sional Re-  
gister, vol.  
i. p. 218—  
225.

This amendment appears to have led to some discussion in the House of Representatives. Messrs. Gerry, Jackson, and Silvester opposed the amendment, and Messrs. Bland, Lawrance, Sherman, and Boudinot supported it. The grounds of opposition were, that the power of Congress to direct the states in this matter was open to doubt; and that, even if it existed, the policy of exercising it, and thus incurring the risk of provoking jealousy among the states of the federal government, was questionable.



## CHAP. I.

## Organization of Houses—Rules, &amp;c.

1789.

1st Congress.  
1st Session.

The amendment of the Senate was concurred in, with an amendment,—That the members of the state legislatures be directed to take the oath at their next sessions, respectively.

Senate con-  
curs.

The Senate, on the 7th of May, agreed to the amendment made by the House of Representatives. On the 18th of May, S. Journal, p. 23.

Committee  
of Senate,  
to enrol and  
present bill  
to Presi-  
dent.

the Senate appointed Mr. Lee to be a committee on their part, to join any committee appointed for that purpose on the part of the House of Representatives, to lay before the President of the United States, for his approbation, a bill, entitled, "An Act Id. p. 27.

House  
committee.

after it shall be enrolled, examined by the said committee, and signed by the speaker of the House of Representatives, and by the Vice-President. On the 19th of May, the House of Representatives appointed Messrs. Partridge and Floyd to be the committee on their part, for the same purpose. The bill was laid before the President, by this committee, on the 22d of May, and a message from the President was received by the House of Representatives, on the 1st of June, certifying the house that he had approved and signed the bill. H. Journal, p. 38.

President  
approves  
bill.

had approved and signed the bill. Id. p. 40, 43.

Oath admi-  
nistered to  
House, and  
to Senate.

The bill having passed, the oath was administered by the speaker of the house, on the 2d of June, to the clerk, and to such of the members as had not already taken the oath under a resolution of the house of the 6th of April, prescribing a form, and of the 7th, requesting its administration by the Chief Justice of the state of New York. And, in pursuance of an order of the Senate, Mr. Langdon administered the oath, first to the Vice-President, who administered it afterwards to the members of the Senate, and to the secretary, together with the oath of office. Id. p. 44. Id. p. 7, 11. S. Journal, p. 31.

Senate  
committee,  
to prepare  
rules in re-  
lation to  
confer-  
ence, chap-  
lains, &c.

The Senate, on the 7th of April, appointed Messrs. Ellsworth, Lee, Strong, Maclay, and Bassett, to be a committee to prepare rules to govern the two houses in cases of conference, and on the manner of electing chaplains; also, to prepare rules for conducting business in the Senate. Id. p. 10.

Mr. Boudinot, on the same day, from the committee of the House of Representatives, appointed to prepare rules and orders of proceeding for that house, made the following report, which was agreed to by the house:— H. Journal, p. 8—11.

System of  
rules for  
the house,  
reported  
and agreed  
to.

"The committee to whom it was referred to prepare such standing rules and orders of proceeding as may be proper to be observed in this house, have, according to order, prepared the same, and agreed to the following report:—

1st Congress.  
1st Session.

*“Resolved—*That it is the opinion of this committee, that the rules and orders following are proper to be established, as the standing rules and orders of this house; to wit:

**Rules.**

Duty of the  
speaker.

*“First.—Touching the Duty of the Speaker.*

H. Journal,  
p. 8, 9.

“He shall take the chair every day at the hour to which the house shall have adjourned on the preceding day; shall immediately call the members to order, and, on the appearance of a quorum, shall cause the journal of the preceding day to be read.

“He shall preserve decorum and order; may speak to points of order in preference to other members, rising from his seat for that purpose, and shall decide questions of order, subject to an appeal to the house by any two members.

“He shall rise to put a question, but may state it sitting.

“Questions shall be distinctly put in this form; namely, ‘As many as are of opinion that, (as the question may be,) say Ay: and, after the affirmative voice is expressed—‘As many as are of a contrary opinion, say No.’

“If the speaker doubt, or a division be called for, the house shall divide; those in the affirmative going to the right, and those in the negative to the left of the chair. If the speaker still doubt, or a count be required, the speaker shall name two members, one from each side, to tell the members in the affirmative; which being reported, he shall then name two others, one from each side, to tell those in the negative; which being also reported, he shall rise and state the decision to the house.

“The speaker shall appoint committees, unless it be determined by the house that the committee shall consist of more than three members, in which case the appointment shall be by ballot of the house.

“In all cases of ballot by the house, the speaker shall vote; in other cases he shall not vote, unless the house be equally divided, or unless his vote, if given to the minority, will make the division equal, and, in case of such equal division, the question shall be lost.

“When the house adjourns, the members shall keep their seats until the speaker go forth, and then the members shall follow.

*“Secondly.—Of Decorum and Debate.*

Of deco-  
rum and de-  
bate.

“When any member is about to speak in debate, or deliver any matter to the house, he shall rise from his seat, and respectfully address himself to Mr. Speaker. Id. 9, 10.

1st Congress.  
1st Session.

Rules.

“If any member, in speaking, or otherwise, transgress the rules of the house, the speaker shall, or any member may, call to order; in which case the member called to order shall immediately sit down, unless permitted to explain, and the house shall, if appealed to, decide on the case, but without debate. If there be no appeal, the decision of the chair shall be submitted to. If the decision be in favour of the member called to order, he shall be at liberty to proceed; if otherwise, and the case require it, he shall be liable to the censure of the house.

“When two or more members happen to rise at once, the speaker shall name the member who is first to speak.

“No member shall speak more than twice to the same question, without leave of the house; nor more than once, until every member choosing to speak, shall have spoken.

“Whilst the speaker is putting any question, or addressing the house, none shall walk out of, or across the house; nor either in such case, or when a member is speaking, shall entertain private discourse, or read any printed book or paper; nor whilst a member is speaking, shall pass between him and the chair.

“No member shall vote on any question, in the event of which he is immediately and particularly interested; or in any other case where he was not present when the question was put.

“Every member who shall be in the house when a question is put, shall vote on the one side or the other, unless the house, for special reasons, shall excuse him.

“When a motion is made, and seconded, it shall be stated by the speaker, or, being in writing, it shall be handed to the chair, and read aloud by the clerk, before debated.

“Every motion shall be reduced to writing, if the speaker, or any member, desire it.

“After a motion is stated by the speaker, or read by the clerk, it shall be deemed to be in possession of the house, but may be withdrawn at any time before a decision or amendment.

“When a question is under debate, no motion shall be received, unless to amend it, to commit it, for the previous question, or to adjourn.

“A motion to adjourn shall be always in order, and shall be decided without debate.

“The previous question shall be in this form: ‘Shall the main question be now put?’ It shall only be admitted when demanded by five members; and, until it be decided, shall preclude all amendment and farther debate of the main question.

“On a previous question, no member shall speak more than once, without leave.

1st Congress.  
1st Session.Rules.

“ Any member may call for the division of a question, where the same will admit of it.

“ A motion for commitment, until it be decided, shall preclude all amendment of the main question.

“ Motions and reports may be committed at the pleasure of the house.

“ No new motion or proposition shall be admitted, under colour of amendment, as a substitute for the motion or proposition under debate.

“ Committees, consisting of more than three members, shall be balloted for by the house; if, upon such ballot, the number required shall not be elected by a majority of the votes given, the house shall proceed to a second ballot, in which a plurality of votes shall prevail; and, in case a greater number than are required to compose or complete the committee, shall have an equal number of votes, the house shall proceed to a farther ballot or ballots.

“ In all other cases of ballot, than for committees, a majority of the votes given shall be necessary to an election, and where there shall not be such majority on the first ballot, the ballot shall be repeated until a majority be obtained.

“ In all cases where others than members of the house may be eligible, there shall be a previous nomination.

“ If a question depending be lost by adjournment of the house, and revived on the succeeding day, no member who has spoken twice on the day preceding, shall be permitted again to speak without leave.

“ Every order, resolution, or vote, to which the concurrence of the Senate shall be necessary, shall be read to the house, and laid on the table, on a day preceding that in which the same shall be moved, unless the house shall otherwise expressly allow.

“ Petitions, memorials, and other papers, addressed to the house, shall be presented through the speaker, or by a member in his place, and shall not be debated or decided on the day of their being first read, unless where the house shall direct otherwise; but shall lie on the table, to be taken up in the order they were read.

“ Every fifteen members (including the speaker, if there be one,) shall be authorized to compel the attendance of absent members.

“ Upon calls of the house, or in taking the ayes and noes on any question, the names of the members shall be called alphabetically.

1st Congress.  
1st Session.

*“Thirdly.—Of Bills.*

Rules.  
Of Bills.

“Every bill shall be introduced by motion for leave, or by an order of the house on the report of a committee, and, in either case, a committee to prepare the same shall be appointed. In cases of a general nature, one day’s notice, at least, shall be given of the motion to bring in a bill, and every such motion may be committed. H. Journ  
P. 10.

“Every bill shall receive three several readings in the house, previously to its passage; and all bills shall be despatched in order as they were introduced, unless where the house shall direct otherwise; but no bill shall be twice read, on the same day, without special order of the house.

“The first reading of a bill shall be for information, and if opposition be made to it, the question shall be, “Shall the bill be rejected?” If no opposition be made, or the question to reject be negatived, the bill shall go to its second reading without a question.

“Upon the second reading of a bill, the speaker shall state it is ready for commitment or engrossment; and, if committed, then the question shall be, whether to a select committee, or to a committee of the whole house: if to a committee of the whole house, the house shall determine on what day. But if the bill be ordered to be engrossed, the house shall appoint the day when it shall be read the third time. After commitment, and a report thereof to the house, a bill may be recommitted, or at any time before its passage.

“All bills ordered to be engrossed shall be executed in a fair round hand.

“The enacting style of bills shall be,—‘Be it enacted by the senators and representatives of the United States, in congress assembled.’

“When a bill shall pass, it shall be certified by the clerk, noting the day of its passing at the foot thereof.

“No bill amended by the Senate shall be committed.

*“Fourthly.—Of Committees of the whole House.*

Of committees of the whole house.

“It shall be a standing order of the day, throughout the session, for the house to resolve itself into a committee of the whole house on the state of the Union. Ibid.

“In forming a committee of the whole house, the speaker shall leave his chair, and a chairman, to preside in committee, shall be appointed.

1st Congress.  
1st Session.

Rules.

“ Upon bills committed to a committee of the whole house, the bill shall be first read throughout by the clerk, and then again read and debated by clauses, leaving the preamble to be last considered. The body of the bill shall not be defaced or interlined, but all amendments, noting the page and line, shall be duly entered by the clerk, on a separate paper, as the same shall be agreed to by the committee, and so reported to the house. After report, the bill shall again be subject to be debated and amended by clauses, before a question to engross it be taken.

“ All amendments made to an original motion, in committee, shall be incorporated with the motion, and so reported.

“ All amendments made to a report committed to a committee of the whole, shall be noted and reported, as in the case of bills.

“ All questions, whether in committee or in the house, shall be propounded in the order they were moved, except that, in filling the blanks, the largest sum and longest day shall be first put.

“ The rules of proceeding in the house shall be observed in committee, so far as they may be applicable, except that limiting the times of speaking.”

Additional  
rules, agreed to.

On the 13th of April, the following additional rules, reported by the same committee on the 11th, were agreed to:— H. Journal,  
p. 13.

“ That any member may excuse himself from serving on any committee, at the time of his appointment, if he be then a member of two other committees.

“ That no member absent himself from the service of the house, unless he have leave, or be sick, and unable to attend.

“ Upon a call of the house, for which, at least, one day's notice shall be requisite, the names of the members shall be called over by the clerk, and the absentees noted; after which the names of the absentees shall be again called over: the doors shall then be shut, and those for whom no excuses, or insufficient excuses, are made, may, by order of the house, be taken into custody.

“ A standing committee of elections shall be appointed, to consist of seven members; it shall be the duty of the said committee, to examine and report upon the certificates of election, or other credentials of the members returned to serve in this house, and to take into their consideration all such matters as shall or may come in question, and be referred to them by the house, touching returns and elections, and to report their proceedings, with their opinion thereupon to the house.

“ The clerk of the house shall take an oath for the true and

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faithful discharge of the duties of his office, to the best of his knowledge and abilities.”

Rules.

—

The committee, also, reported the three following rules, which were ordered to be recommitted to the same committee.

Rules re-  
ported and  
recommi-  
ted.

“ It shall be the office and duty of a sergeant-at-arms, to at- H. Journal,  
tend the house during its sitting, to execute the commands of P. 13.  
the house, from time to time, and all such process, issued by au-  
thority thereof, as shall be directed to him by the speaker, and,  
either by himself, or special messengers appointed by him, to  
take and detain in his custody, members, or other persons, or-  
dered by the house to be taken or committed.

“ A proper symbol of office shall be provided for the sergeant-  
at-arms, of such form and device as the speaker shall direct,  
which shall be placed on the clerk’s table during the sitting of  
the house, but when the house is in committee, shall be placed  
under the table. The sergeant-at-arms shall, moreover, always  
bear the said symbol when executing the immediate commands  
of the house, during its sitting, returning the same to the clerk’s  
table when the service is performed.

“ Every member, or other person, ordered into custody, shall  
pay to the sergeant-at-arms — for every arrest, and — for  
each day’s custody and releasement; also, — per mile for tra-  
velling expenses, going and returning, unless the payment there-  
of shall be remitted by the house.”

The committee, to whom these three rules were recommitted,  
reported, on the 14th of April, the following modifications of  
them, which received the approbation of the house, and were  
incorporated into the standing rules and orders of the house:—

Rules mo-  
dified and  
agreed to.

“ A sergeant-at-arms shall be appointed, to hold his office Id. p. 14.  
during the pleasure of the house, whose duty it shall be to at-  
tend the house during its sitting, to execute the commands of the  
house, from time to time, and all such process, issued by autho-  
rity thereof, as shall be directed to him by the speaker.

“ A proper symbol of office shall be provided for the sergeant-  
at-arms, of such form and device as the speaker shall direct,  
which shall be borne by the sergeant when in the execution of  
his office.

“ The fees of the sergeant-at-arms shall be, for every arrest,  
the sum of two dollars; for each day’s custody and releasement,  
one dollar; and for travelling expenses, going and returning, one-  
tenth of a dollar per mile.”

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## Organization of Houses—Rules, &amp;c.

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## Rules.

Report of  
joint com-  
mittee, on  
rules rela-  
ting to con-  
ferences  
and chap-  
lains.Rule con-  
cerning  
conferen-  
ces.

On the 9th of April, Messrs. Boudinot, Sherman, Tucker, Madison, and Bland were appointed a committee, on the part of the house, to prepare a system of rules to govern the two houses in cases of conference, and to regulate the appointment of chaplains. The joint committee, on the 15th, reported the following rule, which received the acquiescence of the two houses, and was adopted into the body of rules:—

“That, in every case of an amendment of a bill, agreed to in one house, and dissented to in the other, if either house shall request a conference, and appoint a committee for that purpose, and the other house shall also appoint a committee to confer, such committees shall, at a convenient hour, to be agreed on by their chairman, meet in the conference chamber, and state to each other, verbally, or in writing, as either shall choose, the reasons of their respective houses for and against the amendment, and confer freely thereon.”

The following resolution was also reported and agreed to:—

Chaplains.

“That two chaplains, of different denominations, be appointed by Congress for the present session: the Senate to appoint one, and give notice thereof to the House of Representatives, who shall thereupon appoint the other; which chaplains shall commence their services in the houses that appoint them, but shall interchange weekly.”

On the 16th of April, the Senate adopted the following rules, which were reported, on the 13th, by the committee appointed to prepare rules:—

Senate  
Rules.

“I. The president, having taken the chair, and a quorum being present, the journal of the preceding day shall be read, to the end that any mistake may be corrected, that shall have been made in the entries. Id. p. 13.

“II. No member shall speak to another, or otherwise interrupt the business of the Senate, or read any printed paper, while the journals or other public papers are reading, or when any member is speaking in any debate.

“III. Every member, when he speaks, shall address the chair, standing in his place, and, when he has finished, shall sit down.

“IV. No member shall speak more than twice in any one debate, on the same day, without leave of the Senate.

“V. When two members rise at the same time, the president shall name the person to speak; but, in all cases, the member first rising shall speak first.

H. Journal,  
p. 13.Id. 15, 16.  
S. Journal,  
p. 12.



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Senate  
Rules.

“VI. No motion shall be debated, until the same shall be seconded.

“VII. When a motion is made, and seconded, it shall be reduced to writing, if desired by the president, or any member, delivered in at the table, and read by the president, before the same shall be debated.

“VIII. When a question is before the Senate, no motion shall be received, unless for amendment, for the previous question, or for postponing the main question, or to commit it, or to adjourn.

“IX. The previous question being moved and seconded, the question from the chair shall be, ‘Shall the main question be now put?’ And, if the nays prevail, the main question shall not then be put.

“X. If a question in debate contain several points, any member may have the same divided.

“XI. When the yeas and nays shall be called for, by one-fifth of the members present, each member called upon, shall, unless for special reasons he be excused by the Senate, declare openly, and without debate, his assent, or dissent, to the question. In taking the yeas and nays, and upon the call of the house, the names of the members shall be taken alphabetically.

“XII. One day’s notice, at least, shall be given, of an intended motion for leave to bring in a bill.

“XIII. Every bill shall receive three readings, previously to its being passed; and the president shall give notice at each, whether it be the first, second, or third; which readings shall be on three different days, unless the Senate unanimously direct otherwise.

“XIV. No bill shall be committed, or amended, until it shall have been twice read, after which it may be referred to a committee.

“XV. All committees shall be appointed by ballot, and a plurality of votes shall make a choice.

“XVI. When a member shall be called to order, he shall sit down until the president shall have determined whether he be in order or not; and every question of order shall be decided by the president, without debate: but, if there be a doubt in his mind, he may call for the sense of the Senate.

“XVII. If a member be called to order for words spoken, the exceptionable words shall be immediately taken down in writing, that the president may be better enabled to judge of the matter.

“XVIII. When a blank is to be filled, and different sums shall be proposed, the question shall first be taken on the highest sum.

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“XIX. No member shall absent himself from the service of the Senate, without leave of the Senate first obtained.”

Senate  
Rules.

On the 18th, the Senate ordered the following additional rule to be subjoined.

Additional  
rule.

“XX. Before any petition, or memorial, addressed to the Senate, shall be received and read at the table, whether the same shall be introduced by the president, or a member, a brief statement of the contents of the petition, or memorial, shall verbally be made by the introducer.” S. Journal, p. 14.

On the 24th of April, the House of Representatives adopted the following resolution:—

House re-  
scinds rule,  
as to style  
of bills.

“Resolved—That so much of the standing rules and orders of this house as prescribes the enacting style of bills, be rescinded.” H. Journal, p. 20.

On the 9th of June, the House of Representatives adopted the following resolution:—

House re-  
scinds rule,  
as to mode  
of division,  
and adopts  
new one.

“Resolved—That so much of the standing rules and orders as directs that, upon a division of the house, on any question, the members who vote in the affirmative shall go to the right, and those in the negative, to the left of the chair, be rescinded; and that, in future, when a division is called for, those in the affirmative of the question shall rise from their seats, and those in the negative remain sitting.” Id. p. 47.

The House of Representatives, on the 16th of June, adopted the following resolution:—

Seats pro-  
vided for  
Senate.

“Resolved—That seats be provided, within the bar of this house, for the accommodation of the president, and members of the Senate.” Id. p. 48.

On the 6th of May, the Senate adopted the following order:—

Senate or-  
der, as to  
endorse-  
ment of  
bills.

“Ordered—That, when a bill has passed the Senate, the secretary shall endorse the final determination thereon, and the day when such final question was taken, previously to its being transmitted to the House of Representatives.” S. Journal, p. 22.

On the 21st of May, the Senate came to the following resolution:—

Senate re-  
solution, as  
to bills, as  
in commit-  
tee of the  
whole.

“Resolved—That all bills, on a second reading, shall be considered by the Senate, in the same manner, as if the Senate were in a committee of the whole, before they shall be taken up, and proceeded on by the Senate, agreeably to the standing rules, unless otherwise ordered.” Id. p. 28.

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A motion was made in the Senate, on the 30th of July, and *negatived*, in the following terms:—

Proposi-  
tion, nega-  
tived.

“*Resolved*—That a clause passed, or amendment made, in committee, shall not be reversed in the same committee, but may be so done in the Senate. And no amendment, or clause, agreed to in the Senate, shall be reconsidered until the next reading of the bill, except at the third reading of a bill, when, by the consent of the Senate, it may be amended.”

S. Journal,  
p. 49.

Secretary,  
door-keep-  
er, and  
messenger  
of Senate,  
chosen.

Chief Jus-  
tice of New  
York ad-  
ministers  
oath to H.  
of Repre-  
sentatives.

Reception  
of Presi-  
dent.

On the 8th of April, the Senate elected Samuel Alyne Otis to be their secretary, and Cornelius Maxwell messenger. James Mathers having been chosen door-keeper on the preceding day. And, on the same day, the Chief Justice of the state of New York, in compliance with an order of the house, requesting his attendance for that purpose, attended the house, and administered the oath required by the Constitution, in the form which had been agreed to, first to the speaker, in his place, and then to the other members of the house present.

Id. p. 10.

With reference to the ceremonial of receiving the President of the United States, and the necessary arrangements, the Senate, on the 9th of April, appointed a committee, consisting of Messrs. Langdon, Johnson, and Few; and, on the 13th, the House of Representatives appointed a corresponding committee, to act in conference with the Senate committee, consisting of Messrs. Benson, Muhlenberg, and Griffin. This joint committee reported, on the 15th, the following ceremonial, which was agreed to:—

S. Journal,  
p. 10.

H. Journal,  
p. 12.

“That Mr. Osgood, the proprietor of the house lately occupied by the president of Congress, be requested to put the same, and the furniture therein, in proper condition for the residence and use of the President of the United States, and otherwise, at the expense of the United States, to provide for his temporary accommodation.

S. Journal,  
p. 12.

Ceremo-  
nial of re-  
ceiving the  
President.

“That it will be more eligible, in the first instance, that a committee of three members from the Senate, and five members from the House of Representatives, to be appointed by the houses, respectively, attend to receive the President, at such place as he shall embark from New Jersey for this city, and conduct him, without form, to the house lately occupied by the president of Congress, and that, at such time thereafter as the President shall signify it will be most convenient for him, he be formally received by both houses.

H. Journal,  
p. 15.

“That a committee of two members from the Senate, and

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three members from the House of Representatives, to be appointed by the houses, respectively, wait on the Vice-President of the United States, as soon as he shall come to this city, and, in the name of the Congress of the United States, congratulate him on his arrival."

Commit-  
tees to wait  
on Presi-  
dent and  
Vice-Presi-  
dent.

On the following day the Senate appointed Messrs. Langdon, Carroll, and Johnson, to be their committee to wait on the President; and Messrs. Ellsworth and Dalton to wait on the Vice-President. The house appointed Messrs. Boudinot, Bland, Tucker, Benson, and Lawrance, their committee to wait on the President; and Messrs. Gilman, Ames, and Gale, to wait on the Vice-President.

S. Journal,  
p. 12.

H. Journal,  
p. 15.

Committee  
to conduct  
Vice-Presi-  
dent to se-  
nate cham-  
ber.

A committee, consisting of Messrs. Strong and Izard, was appointed by the Senate, on the 20th of April, to wait on the Vice-President, and conduct him to the senate-chamber; and, on the next day, this committee conducted the Vice-President to the senate-chamber, where he was received, on the floor, by Mr.

S. Journal,  
p. 14.

Reception.

Langdon, the president *pro tempore*, who addressed him as follows:—

Address of  
president  
*pro tem.*

"Sir,—I have it in charge from the Senate, to introduce you to the chair of this house; and, also, to congratulate you on your appointment to the office of Vice-President of the United States of America."

The Vice-President, being conducted to the chair, addressed the Senate as follows:—

Vice-Presi-  
dent's ad-  
dress.

"*Gentlemen of the Senate:* Invited to this respectable situation, by the suffrages of our fellow citizens, according to the Constitution, I have thought it my duty cheerfully and readily to accept it. Unaccustomed to refuse any public service, however dangerous to my reputation, or disproportioned to my talents, it would have been inconsistent to have adopted another maxim of conduct at this time, when the prosperity of the country, and the liberties of the people, require, perhaps, as much as ever, the attention of those who possess any share of the public confidence.

Id. p. 14,  
15.

"I should be destitute of sensibility, if, upon my arrival in this city, and presentation to this legislature, and, especially, to this Senate, I could see, without emotion, so many of those characters, of whose virtuous exertions I have so often been a witness—from whose countenances and examples I have ever derived encouragement and animation; whose disinterested friendship

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Vice-President's address.

has supported me, in many intricate conjunctures of public affairs, at home and abroad; those celebrated defenders of the liberties of this country, whom menaces could not intimidate, corruption seduce, nor flattery allure; those intrepid asserters of the rights of mankind, whose philosophy and policy have enlightened the world, in twenty years, more than it was ever before enlightened in many centuries, by ancient schools, or modern universities.

"I must have been inattentive to the course of events, if I were either ignorant of the fame, or insensible to the merit, of those other characters in the Senate, to whom it has been my misfortune to have been hitherto personally unknown.

"It is with satisfaction, that I congratulate the people of America on the formation of a national Constitution, and the fair prospect of a consistent administration of a government of laws. On the acquisition of a House of Representatives chosen by themselves, of a Senate thus composed by their own state legislatures; and on the prospect of an executive authority, in the hands of one whose portrait I shall not presume to draw. Were I blessed with powers to do justice to his character, it would be impossible to increase the confidence or affection of his country, or make the smallest addition to his glory. This can only be effected by a discharge of the present exalted trust, on the same principles, with the same abilities and virtues, which have uniformly appeared in all his former conduct, public or private. May I, nevertheless, be indulged to inquire, if we look over the catalogue of the first magistrates of nations, whether they have been denominated presidents or consuls, kings or princes, where shall we find one, whose commanding talents and virtues, whose overruling good fortune, have so completely united all hearts and voices in his favour? Who enjoyed the esteem and admiration of foreign nations and fellow citizens with equal unanimity? Qualities so uncommon, are no common blessings to the country that possesses them. By these great qualities, and their benign effects, has Providence marked out the head of this nation, with a hand so distinctly visible, as to have been seen by all men, and mistaken by none.

"It is not for me to interrupt your deliberations by any general observations on the state of the nation, or by recommending, or proposing, any particular measures. It would be superfluous, to gentlemen of your great experience, to urge the necessity of order. It is only necessary to make an apology for myself. Not wholly without experience in public assemblies, I have been

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more accustomed to take a share in their debates, than to preside in their deliberations. It shall be my constant endeavour to behave towards every member of this most honourable body, with all that consideration, delicacy and decorum, which becomes the dignity of his station and character. But if, from inexperience, or inadvertency, any thing should ever escape me, inconsistent with propriety, I must entreat you, by imputing it to its true cause, and not to any want of respect, to pardon and excuse it.

“A trust of the greatest magnitude is committed to this legislature, and the eyes of the world are upon you. Your country expects, from the results of your deliberations, in concurrence with the other branches of government, consideration abroad, and contentment at home—prosperity, order, justice, peace, and liberty: and may God Almighty’s providence assist you to answer their just expectations.”

Report of committee to meet the President.

On the 24th of April, Mr. Boudinot, from the committee on the part of the House of Representatives, appointed to receive the President of the United States, at the place of his embarkation from New Jersey, reported that the joint committee of the two houses did attend at Elizabethtown, in New Jersey, on the 23d instant, at which place the two committees met the President, and thence embarked for this city, where they arrived about three o’clock of the same day, and conducted him to the house appointed for his residence.

Committee on style of President, and administering oath.

The Senate had, on the preceding day, adopted a resolution, and appointed a committee, consisting of Messrs. Lee, Izard, and Dalton, “to consider and report, what style or titles it will be proper to annex to the offices of President and Vice-President of the United States, if any other than those given in the Constitution. Also, to consider of the time, place, and manner, in which, and the person by whom, the oath prescribed by the Constitution shall be administered to the President, and to confer thereon with such committee as the House of Representatives shall appoint for that purpose.” And the House of Representatives, on the same day, appointed a committee for the same purpose, consisting of Messrs. Benson, Ames, Madison, Carroll, and Sherman.

A report was made by the two committees, to their respective houses, on the 25th, in the following words:—

“The committee, appointed to consider of the time, place, and manner, in which, and of the person by whom, the oath pre-

H. Journal,  
P. 16.

S. Journal,  
P. 16.

H. Journal,  
P. 20.

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scribed by the Constitution shall be administered to the President of the United States, and to confer with the committee of the House, [or Senate,] appointed for that purpose, report—

S. Journal,  
p. 16, 17.Report of  
commit-  
tees.

“That the President hath been pleased to signify to them that any time, or place, which both houses may think proper to appoint, and any manner which may appear most eligible to them, will be convenient and acceptable to him. That requisite preparations cannot, probably, be made before Thursday next. That the President be, on that day, formally received by both houses, in the senate chamber. That the representatives' chamber, being capable of receiving the greater number of persons, that, therefore, the President do take the oath in that place, and in the presence of both houses. That, after the formal reception of the President in the senate chamber, he be attended, by both houses, to the representatives' chamber, and that the oath be administered by the chancellor of the state of New York.

H. Journal,  
p. 20.

“The committee farther report it as their opinion, that it will be proper that a committee of both houses be appointed to take order for conducting the business.”

Commit-  
tees to take  
order for  
conducting  
the busi-  
ness.

The report being accepted, the Senate appointed Messrs. Lee, Izard, and Dalton; and the House of Representatives appointed Messrs. Benson, Ames, and Carroll, to be the committees recommended by the report, “to take order for conducting the business.” These committees made their report on the 27th, in the following terms:—

S. Journal,  
p. 20.  
H. Journal,  
p. 17.

“The committee appointed to take order for conducting the ceremonial of the formal reception, &c. of the President, report—

Report of  
the com-  
mittees.

“That it appears to them more eligible that the oath should be administered to the President in the outer gallery, adjoining the senate chamber, than in the representatives' chamber; and, therefore, submit to the respective houses, the propriety of authorizing their committee to take order as to the place where the oath shall be administered to the President, the resolution of Saturday, assigning the representatives' chamber as the place, notwithstanding.”

S. Journal,  
p. 17.  
H. Journal,  
p. 21.

This report was accepted, and the Senate adopted the following additional resolution:—

Additional  
resolution  
of the Se-  
nate.

“That, after the oath shall have been administered to the President, he, attended by the Vice-President, and the members of the Senate and House of Representatives, proceed to St.

S. Journal,  
p. 17.

1st Congress.  
1st Session. Paul's Chapel, to hear Divine service, to be performed by the chaplain of Congress, already appointed."

Accept-  
ance of of-  
fice of  
chaplain. The Right Reverend Samuel Provost had been elected chaplain to the Senate, and his acceptance of the station was received on this day. S. Journal, p. 17.

House con-  
curs. The resolution of the Senate was taken up, considered, and concurred in by the house, on the 29th of April. H. Journal, p. 24.

Ceremony  
of receiv-  
ing Presi-  
dent, and  
administer-  
ing oath. On Thursday, April 30th, the day appointed for the formal reception of the President, Mr. Lee, on behalf of the committee appointed to take order, for conducting the ceremonial of the formal reception, &c., of the President of the United States, having informed the Senate, that the same was adjusted, the House of Representatives were notified that the Senate were ready to receive them in the senate chamber, to attend the President of the United States, while taking the oath required by the Constitution. Whereupon, the House of Representatives, preceded by their speaker, came into the senate chamber, and took the seats assigned them; and the joint committee, preceded by their chairman, agreeably to order, introduced the President of the United States to the senate chamber, where he was received by the Vice-President, who conducted him to the chair; when the Vice-President informed him, that "the Senate and House of Representatives of the United States, were ready to attend him, to take the oath required by the Constitution, and that it would be administered by the Chancellor of the State of New York." To which the President replied, he was ready to proceed: and, being attended to the gallery in front of the senate chamber, by the Vice-President and senators, the speaker and representatives, and the other public characters present, the oath was administered. After which, the chancellor proclaimed—"Long live George Washington, President of the United States."

The President, having returned to his seat, after a short pause, arose, and addressed the Senate and House of Representatives, as follows:—

Speech of  
President. "Fellow Citizens of the Senate, and of the House of Representatives: Id. p. 18, 19, 20.

"Among the vicissitudes incident to life, no event could have filled me with greater anxieties, than that of which the notification was transmitted, by your order, and received on the 14th day of the present month. On the one hand, I was summoned by my country, whose voice I can never hear, but with venera-



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President.

tion and love, from a retreat which I had chosen, with the fondest predilection, and, in my flattering hopes, with an immutable decision, as the asylum of my declining years; a retreat, which was rendered every day more necessary, as well as more dear to me, by the addition of habit, to inclination, and of frequent interruptions to my health, to the gradual waste committed on it by time. On the other hand, the magnitude and difficulty of the trust, to which the voice of my country called me, being sufficient to awaken, in the wisest and most experienced of her citizens, a distrustful scrutiny into his qualifications, could not but overwhelm with despondence, one, who, inheriting inferior endowments from nature, and unpractised in the duties of civil administration, ought to be peculiarly conscious of his own deficiencies. In this conflict of emotions, all I dare aver, is, that it has been my faithful study, to collect my duty from a just appreciation of every circumstance by which it might be affected. All I dare hope, is that if, in executing this task, I have been too much swayed by a grateful remembrance of former instances, or, by an affectionate sensibility to this transcendent proof of the confidence of my fellow citizens; and have thence too little consulted my incapacity, as well as disinclination, for the weighty and untried cares before me, my error will be palliated by the motives which misled me, and its consequences be judged by my country, with some share of the partiality in which they originated.

H. Journal,  
p. 24, 25,  
26.

“Such, being the impressions under which I have, in obedience to the public summons, repaired to the present station; it would be peculiarly improper to omit, in this, my first official act, my fervent supplications to that Almighty Being who rules over the universe; who presides in the councils of nations, and whose providential aids can supply every human defect, that his benediction may consecrate, to the liberties and happiness of the people of the United States, a government, instituted by themselves, for these essential purposes, and may enable every instrument employed in its administration, to execute with success the functions allotted to his charge. In tendering this homage to the great Author of every public and private good, I assure myself, that it expresses your sentiments not less than my own; nor those of my fellow citizens at large, less than either. No people can be bound to acknowledge and adore the invisible hand, which conducts the affairs of men, more than the people of the United States. Every step, by which they have advanced to the character of an independent nation, seems to have been distin-

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President.

guished by some token of providential agency; and, in the important revolution, just accomplished in the system of their united government, the tranquil deliberations, and voluntary consent, of so many distinct communities, from which the event has resulted, cannot be compared with the means, by which most governments have been established, without some return of pious gratitude, along with an humble anticipation of the future blessings, which the past seem to presage. These reflections, arising out of the present crisis, have forced themselves too strongly on my mind, to be suppressed. You will join with me, I trust, in thinking, that there are none under the influence of which, the proceedings of a new and free government, can more auspiciously commence.

“By the article establishing the executive department, it is made the duty of the President, ‘to recommend to your consideration, such measures as he shall judge necessary and expedient.’ The circumstances, under which I now meet you, will acquit me from entering into that subject, farther than to refer to the great constitutional charter, under which you are assembled; and which, in defining your powers, designates the objects to which your attention is to be given. It will be more consistent with those circumstances, and far more congenial with the feelings which actuate me, to substitute, in place of a recommendation of particular measures, the tribute that is due to the talents, the rectitude, and the patriotism, which adorn the characters selected to revise and adopt them. In these honourable qualifications, I behold the surest pledges, that, as on one side, no local prejudices or attachments, no separate views, nor party animosities, will misdirect the comprehensive and equal eye, which ought to watch over this great assemblage of communities and interests; so, on another, that the foundations of our national policy will be laid in the pure and immutable principles of private morality, and the pre-eminence of free government be exemplified by all the attributes which can win the affections of its citizens, and command the respect of the world. I dwell on this prospect, with every satisfaction, which an ardent love for my country can inspire: since there is no truth more thoroughly established than, that there exists, in the economy and course of nature, an indissoluble union between virtue and happiness, between duty and advantage, between the genuine maxims of an honest and magnanimous policy, and the solid rewards of public prosperity and felicity; since we ought to be no less persuaded, that the propitious smiles of Heaven can never be ex-

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pected on a nation that disregards the eternal rules of order and right, which Heaven itself has ordained: and since the preservation of the sacred fire of liberty, and the creating of the republican model of government, are justly considered as deeply, perhaps, as finally, staked, on the experiment intrusted to the hands of the American people.

“ Besides the ordinary objects committed to your care, it will remain with your judgment to decide, how far an exercise of the occasional power, delegated by the fifth article of the Constitution, is rendered expedient, at the present juncture, by the nature of objections which have been urged against the system; or by the degree of inquietude which has given birth to them. . Instead of undertaking particular recommendations on this subject, in which I could be guided by no lights derived from official opportunities, I shall again give way to my entire confidence in your discernment and pursuit for the public good: for, I assure myself, that, whilst you carefully avoid every alteration which might endanger the benefit of a united and effective government, or which ought to await the future lessons of experience; a reverence for the characteristic rights of freemen, and a regard for the public harmony, will sufficiently influence your deliberations on the question, how far the former can be more impreg- nably fortified, or the latter be safely and advantageously promoted.

“ To the preceding observations, I have one to add, which will be most properly addressed to the House of Representatives. It concerns myself, and will, therefore, be as brief as possible. When I was first honoured with a call into the service of my country, then on the eve of an arduous struggle for its liberties, the light in which I contemplated my duty, required that I should renounce every pecuniary compensation. From this resolution, I have, in no instance, departed: And being still under the impressions which produced it, I must decline, as inapplicable to myself, any share in the personal emoluments which may be indispensably included in a permanent provision for the Executive Department; and must, accordingly, pray, that the pecuniary estimates for the station in which I am placed, may, during my continuance in it, be limited to such actual expenditures as the public good may be thought to require.

“ Having thus imparted to you my sentiments, as they have been awakened by the occasion which brings us together, I shall take my present leave; but not without resorting, once more, to the Benign Parent of the human race, in humble supplication,

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that, since he has been pleased to favour the American people with opportunities for deliberating in perfect tranquillity, and dispositions for deciding, with unparalleled unanimity, on a form of government for the security of their union, and the advancement of their happiness; so, His Divine Blessing may be equally conspicuous, in the enlarged views, the temperate consultations, and the wise measures, on which the success of this government must depend.

“GEORGE WASHINGTON.”

President,  
attend  
Divine ser-  
vice.

The President, the Vice-President, the Senate, and House of Representatives, &c., then proceeded to St. Paul's Chapel; where Divine Service was performed by the Chaplain of Congress. S. Journal, p. 20.

Committee  
prepare  
answer to  
speech.

After which, the President was reconducted to his house, by the committee appointed for that purpose. The Senate afterwards appointed Messrs. Johnson, Paterson, and Carroll, a committee to prepare an answer to the President's speech. And, the speech having been laid before the House of Representatives, by the speaker, on the following day, the house appointed Messrs. Madison, Clymer, Sherman, Gale, and Benson, a committee to prepare an address pursuant to the following resolution, adopted in committee of the whole on the state of the union; and, subsequently, concurred in by this house. Ibid.

Resolution  
adopted in  
use, con-  
taining  
speech.

“Resolved—That it is the opinion of this committee, that an address to the President ought to be prepared, expressing the congratulations of the House of Representatives, on the distinguished proof, given him, of the affection and confidence of his fellow citizens, by the unanimous suffrage, which has appointed him to the high station which he fills: the approbation felt by the house of the patriotic sentiments, and enlightened policy, recommended by his speech; and assuring him of their disposition to concur in giving effect to every measure, which may tend to secure the liberties, promote the harmony, and advance the happiness and prosperity of their country.” H. Journal, p. 26.

Committee  
ordered to  
prepare an-  
swer.

On the 7th of May, the committee of the Senate reported the following answer to the President's speech, which was accepted; and the Vice-President was directed to affix his signature to the address, in behalf of the Senate:— S. Journal, p. 22, 23.

Answer of  
Senate.

“Sir,—We, the Senate of the United States, return you our sincere thanks for your excellent speech, delivered to both houses of Congress; congratulate you on the complete organization of the federal government, and felicitate ourselves, and our fellow

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the Senate.

citizens, on your elevation to the office of President: an office highly important by the powers constitutionally annexed to it, and extremely honourable, from the manner in which the appointment is made. The unanimous suffrage of the elective body, in your favour, is peculiarly expressive of the gratitude, confidence, and affection, of the citizens of America; and is the highest testimonial, at once, of your merit, and their esteem. We are sensible, sir, that nothing but the voice of your fellow citizens could have called you from a retreat, chosen with the fondest predilection, endeared by habit, and consecrated to the repose of declining years. We rejoice, and with us all America, that, in obedience to the call of our common country, you have returned, once more, to public life. In you, all parties confide: in you, all interests unite: and we have no doubt that your past services, great as they have been, will be equalled by your future exertions; and that your prudence and sagacity, as a statesman, will tend to avert the dangers to which we were exposed, to give stability to the present government, and dignity and splendour to that country, which your skill and valour, as a soldier, so eminently contributed to raise to independence and empire.

“When we contemplate the coincidence of circumstances, and the wonderful combination of causes, which gradually prepared the people of this country for independence; when we contemplate the rise, progress, and termination of the late war, which gave them a name among the nations of the earth, we are, with you, unavoidably led to acknowledge and adore the Great Arbiter of the universe, by whom empires rise and fall. A review of the many signal instances of Divine interposition, in favour of this country, claims our most pious gratitude: and permit us, sir, to observe, that, among the great events which have led to the formation and establishment of a federal government, we esteem your acceptance of the office of President, as one of the most propitious and important.

“In the execution of the trust reposed in us, we shall endeavour to pursue that enlarged and liberal policy, to which your speech so happily directs. We are conscious that the prosperity of each state is inseparably connected with the welfare of all, and that, in promoting the latter, we shall effectually advance the former. In full persuasion of this truth, it shall be our invariable aim, to divest ourselves of local prejudices and attachments, and to view the great assemblage of communities and interests, committed to our charge, with an equal eye. We feel,

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the Senate.

sir, the force, and acknowledge the justness, of the observation, that the foundation of our national policy should be laid in private morality: if individuals be not influenced by moral principles, it is in vain to look for public virtue: it is, therefore, the duty of legislators to enforce, both by precept and example, the utility, as well as the necessity, of a strict adherence to the rules of distributive justice. We beg you to be assured, that the Senate will, at all times, cheerfully co-operate in every measure, which may strengthen the Union, conduce to the happiness, or secure and perpetuate the liberties of this great, confederated republic.

“We commend you, sir, to the protection of Almighty God, earnestly beseeching him long to preserve a life, so valuable and dear to the people of the United States; and that your administration may be prosperous to the nation, and glorious to yourself.”

The address of the house, in answer to the President's speech, as reported by Mr. Madison, on the 5th of May, and accepted by the house, was as follows:—

Answer of  
the House  
of Repre-  
sentatives.

“Sir,—The representatives of the people of the United States present their congratulations on the event, by which your fellow citizens have attested the pre-eminence of your merit. You have long held the first place in their esteem; you have often received tokens of their affection; you now possess the only proof that remained of their gratitude for your services, of their reverence for your wisdom, and of their confidence in your virtues; you enjoy the highest, because the truest, honour, of being the first magistrate, by the unanimous choice of the freest people on the face of the earth.

H. Journal,  
p. 27, 28.

“We well knew the anxieties with which you have obeyed a summons, from the repose reserved for your declining years, into public scenes, of which you had taken your leave for ever. But the obedience was due to the occasion. It is already applauded by the universal joy which welcomes you to your station; and we cannot doubt, that it will be rewarded with all the satisfaction with which an ardent love for your fellow citizens must review successful efforts to promote their happiness.

“This anticipation is not justified merely by the past experience of your signal services. It is particularly suggested by the pious impressions under which you commence your administration, and the enlightened maxims by which you mean to conduct it. We feel, with you, the strongest obligations to adore the Invisible Hand, which has led the American people through so many

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Answer of  
the House.

difficulties; to cherish a conscious responsibility for the destiny of republican liberty; and to seek the only sure means of preserving and recommending the precious deposit, in a system of legislation, founded on the principles of an honest policy, and directed by the spirit of a diffusive patriotism.

“The question arising out of the fifth article of the Constitution will receive all the attention demanded by its importance; and will, we trust, be decided under the influence of all the considerations to which you allude.

“In forming the pecuniary provisions, for the executive department, we shall not lose sight of a wish resulting from motives, which give it a peculiar claim to our regard. Your resolution, in a moment critical to the liberties of your country, to renounce all personal emolument, was among the many presages of your patriotic services, which have been amply fulfilled; and your scrupulous adherence, now, to the law then imposed on yourself, cannot fail to demonstrate the purity, whilst it increases the lustre, of a character, which has so many titles to admiration.

“Such are the sentiments, which we have thought fit to address to you. They flow from our own hearts; and we verily believe, that, among the millions we represent, there is not a virtuous citizen, whose heart will disown them.

“All that remains, is, that we join in our fervent supplications for the blessings of Heaven on our country, and that we add our own, for the choicest of these blessings, on the most beloved of her citizens.”

House orders address to be presented.

The address having passed through a committee of the whole house, was agreed to without amendment, as appears by the following resolution:—“*Resolved, unanimously*—That this house doth agree to the said address, and that the speaker, attended by the members of this house, do present the said address to the President.” H. Journal, P. 28.

Appoints committee to wait on President.

Messrs. Sinnickson, Coles and Smith, of South Carolina, were then appointed a committee, to wait on the President, to know when it will be convenient for him to receive the same. This committee reported, on the 7th of May, that they had performed this duty, and that the President had fixed on the following day, at 12 o'clock, at such place as the house should appoint. It was then ordered, that, as the chamber designed for the President to receive the respective houses, was not yet prepared, the house would wait on the President, to present the address in the

Ibid.

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- 1st Congress. 1st Session.** room adjacent to the representatives' chamber. On the following day, the house, accordingly, presented the address at the place appointed, when the President made the following reply :— H. Journal, p. 30, 31.
- Address presented.**
- President's reply.** “*Gentlemen:* Your very affectionate address, produces emotions, which I know not how to express. I feel, that my past endeavours in the service of my country, are far overpaid by its goodness; and I fear much, that my future ones may not fulfil your kind anticipation. All that I can promise, is, that they will be invariably directed by an honest, and an ardent zeal—of this resource my heart assures me. For all beyond, I rely on the wisdom and patriotism of those with whom I am to co-operate; and a continuance of the blessings of Heaven, on a beloved country.” Id. p. 31.
- Senate agree to wait on President, to present address.** The Senate, on the 14th of May, directed the committee by whom their address had been prepared, to wait on the President, to ascertain when it will be agreeable to him, to receive the address of the Senate at his own house. On the following day, the committee reported, that the President had fixed on the following Monday, when it was ordered, that the Senate should then wait on the President, at his own house, and that the Vice-President should present the address. S. Journal, p. 26.
- Address presented.** On Monday, May 18th, the Senate waited on the President, at his own house, according to order, when the Vice-President, in the name of the Senate, presented the address, to which the President made reply, as follows :— Id. p. 26, 27.
- Reply of President.** “*Gentlemen:* I thank you for your address, in which the most affectionate sentiments are expressed, in the most obliging terms. The coincidences of circumstances, which led to this auspicious crisis; the confidence reposed in me by my fellow citizens; and the assistance I may expect from councils, which will be dictated by an enlarged and liberal policy, seem to presage a more prosperous issue to my administration, than a diffidence of my abilities had taught me to anticipate. I now feel myself inexpressibly happy in a belief, that Heaven, which has done so much for an infant nation, will not withdraw its providential influence, before our political felicity shall have been completed; and in a conviction, that the Senate will, at all times, co-operate in every measure, which may tend to promote the welfare of this confederated republic. Thus, supported by a firm trust in the great Arbiter of the universe, aided by the collective wisdom of the Union, and imploring the Divine benediction in our joint exertions in the service of our country, I readily engage with you in



1st Congress. 1st Session. the arduous, but pleasing, task, of attempting to make a nation happy."

Mode of communication between the two houses. The adjustment of the mode, in which papers, bills and messages should be communicated between the two houses, seems to have been a point of some difficulty. On the 10th of April, the Senate appointed Messrs. Strong, Izard and Lee, to "be a committee, to report a mode of communication, to be observed between the Senate and House of Representatives, with respect to papers, bills and messages, and to confer thereon with such committee, as may be appointed by the House of Representatives, for that purpose." And on the 17th of the same month, the House of Representatives appointed Messrs. Lee, Burke and Seney, to be a committee, to confer with the committee appointed by the Senate. The first report of this joint committee, was made to the two houses, on the 23d of April, in the following terms:—

Senate committee, to report mode.

House committee.

Report of joint committee.

"When a bill or other message shall be sent from the Senate to the House of Representatives, it shall be carried by the secretary, who shall make one obeisance to the chair, on entering the door of the House of Representatives, and another, on delivering it at the table, into the hands of the speaker. After he shall have delivered it, he shall make an obeisance to the speaker, and repeat it as he retires from the house.

"When a bill shall be sent up by the House of Representatives to the Senate, it shall be carried by two members, who, at the bar of the Senate, shall make their obeisance to the president, and thence, advancing to the chair, make a second obeisance, and deliver it into the hands of the president. After having delivered the bill, they shall make their obeisance to the president, and repeat it as they retire from the bar. The Senate shall rise on the entrance of the members within the bar, and continue standing until they retire.

"All other messages from the House of Representatives, shall be carried by one member, who shall make his obeisance as above mentioned, but the President of the Senate, alone, shall rise."

Senate accepts. House lays on table. Recommits. Senate reconsiders report.

This report was read and accepted in the Senate, but, in the House of Representatives, it was ordered to lie on the table. On the following day, the House ordered the report to be recommitted to the same committee; and, on the 25th of April, the Senate reconsidered their acceptance of the report, and ordered its recommitment.

S. Journal, p. 12.

H. Journal, p. 16.

S. Journal, p. 15, 16.

Id. p. 16.

H. Journal, p. 19.

Id. p. 20.

S. Journal, p. 16.

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On the 28th of April, the committee made a second report, in the following terms:—

Second report.

“When a message shall be sent from the Senate to the House of Representatives, it shall be announced at the door of the house, by the door-keeper, and shall be respectfully communicated to the chair, by the person by whom it may be sent. S. Journal, p. 17.

“The same ceremony shall be observed, when a message shall be sent from the House of Representatives to the Senate. H. Journal, p. 21.

“Messages shall be sent by such persons as a sense of propriety, in each house, may determine to be proper.”

Accepted by house.  
Laid on table by Senate—rejects it.

This report was agreed to by the House of Representatives; but, after being read in the Senate, it was ordered to lie for consideration. And, on the 1st of May, the Senate refused to accept the report. S. Journal, p. 17.  
H. Journal, p. 21.  
S. Journal, p. 20.

New motion.

A motion was then made,—“That when a messenger shall come from the House of Representatives to the Senate, and shall be announced by the door-keeper, the messenger shall be received at the bar of this house, by the secretary, and the bill, or paper, that he may bring, shall there be received from him by the secretary, who shall deliver it to the president of the Senate,”

New committee.

which was committed to Messrs. Ellsworth, Lee, and Read; and this committee were instructed to report a mode of sending papers, bills, and messages, from the Senate to the House of Representatives. And, on the 2d of May, the Senate came to the following resolution:—

Ibid.

Mode proposed agreed on by Senate.

“Agreed—That, until a permanent mode of communication shall be adopted between the Senate and House of Representatives, the Senate will receive messages by the clerk of the house, if the house shall think proper to send him; and papers sent from the house, shall be delivered to the secretary, at the bar of the Senate, and by him be conveyed to the president.”

Ibid.

Report of new committee.

The committee appointed by the Senate on the 1st, made their report on the 4th of May; and on the 7th, the first paragraph thereof was accepted, whereupon—

Id. p. 21.

Accepted, in part, by Senate.

“Ordered—That, when a messenger shall come from the House of Representatives to the Senate, and shall be announced by the door-keeper, the messenger, or messengers, being a member, or members, of the house, shall be received within the bar, the president rising, when the message is by one member, and the Senate also, when it is by two or more; if the messenger be not a member of the house, he shall be received at the bar, by

Id. p. 22.

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|--|--|--|
| 1st Congress.<br>1st Session.  | the secretary, and the bill, or papers, that he may bring, shall there be received from him by the secretary, and be by him delivered to the president."   |  |
| Report<br>sleeps in<br>House of<br>Representatives.  | This order was sent to the House of Representatives, on the 10th of May, where it appears to have slept during the remainder of the session; and all the messages, to the end of the session, were carried from the Senate to the House of Representatives, by Mr. Otis, the secretary of the Senate: and, from the House of Representatives to the Senate, by Mr. Beckley, the clerk of the House of Representatives.   |  |
| Mode adopted.  | On the 25th of May, the house appointed Messrs. Partridge, Floyd, and Thatcher, a committee, to confer with any committee which may be appointed by the Senate, on the proper method of receiving into either house, bills or messages from the President of the United States." The Senate, on the following day, appointed Messrs. Lee and Izard, to be a committee on their part.   | H. Journal,<br>p. 40.<br><br>S. Journal,<br>p. 29. |
| Mode of receiving<br>messages,<br>&c., from<br>President.<br>House<br>committee.<br>Senate<br>committee. | This committee made a report on the 29th of May, which was amended by the House of Representatives, and agreed to, in the following form:—   |  |
| Report.  | "That, until the public offices are established, and the respective officers appointed, any returns of bills and resolutions, or other communications, from the President, may be received by either house, under cover, directed to the president of the Senate, or speaker of the House of Representatives, as the case may be, and transmitted by such person as the president may think proper."   | H. Journal,<br>p. 43.                              |
| Agreed to<br>by house.   | On the same day, this report was transmitted to the Senate, and received the concurrence of that body.   | S. Journal,<br>p. 29.                              |
| Senate<br>concurs.   | On the 12th of May, the house elected Joseph Wheaton, to be their sergeant-at-arms. The Rev. William Linn had been appointed chaplain to the House of Representatives, on the 1st of May.  | H. Journal,<br>p. 26, 34.                          |
| House elects<br>sergeant-at-arms<br>and chaplain.  | On the 14th of April, the Senate appointed Messrs. Read, Ellsworth, and Lee, a committee, "to consider of the utility of printing the Journals weekly, and furnishing the members with copies; and to determine the mode of keeping the Journals." On the 25th, the committee received a farther instruction, "to consider whether the minutes be amended, so as to record only the act, as it may be agreed on, after the Journal shall be read, on the day following." On the 19th, this committee reported in the following terms:— | S. Journal,<br>p. 12.<br><br>Id. p. 16.            |
| Committee<br>on keeping<br>and distributing<br>Journals.   |  |  |

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Reports.

“That one hundred and twenty copies of the Journals of the legislative proceedings only be printed once a month, commencing the first publication from the 1st day of June next: and that each member be furnished with a copy; that the proceedings of the Senate, when they shall act in their executive capacity, shall be entered and kept in separate and distinct books.

S. Journal,  
p. 27.

“That every vote of the Senate shall be entered on the Journals; and that a brief statement of the contents of each petition, memorial, or paper, presented to the Senate, be also inserted on the Journals.

“That the Journals, previously to each publication, be revised by a committee, to be appointed, from time to time, for that purpose.”

This report was accepted.

Journals of  
late Congress  
to be  
furnished  
to mem-  
bers.

On the 28th of May, the House of Representatives adopted the following resolution:—“That every such member of the present Congress, as is not yet furnished with a set of the Journals of the late Congress, shall, on application to the keeper of the records and papers, of the said late Congress, be entitled to receive a complete set of such Journals.” And this resolution received the concurrence of the Senate, on the 8th of June.

H. Journal,  
p. 42.

S. Journal,  
p. 32.

A motion was made in the Senate, on the 17th of July—

Motion to  
enter pro-  
test, nega-  
tived.

“That, on the final question upon a bill or resolve, any member shall have a right to enter his protest, or dissent, on the Journal, with reasons in support of such dissent: provided the same be offered within two days after the determination on such final question.”

Id. p. 42.

This motion was negatived.

On the 29th of September, the house adopted the following order:—

Order to  
send Jour-  
nals to ex-  
ecutives  
and legis-  
latures of  
states.

“*Ordered*—That it shall be the duty of the secretary of the Senate, and clerk of the house, at the end of each session, to send a printed copy of the Journals thereof, respectively, to the supreme executives, and to each branch of the legislature of every state.”

H. Journal,  
p. 129.

And this order was, on the same day, concurred in by the Senate.

S. Journal,  
p. 94.

The Senate, on the 13th of May, came to the following order:—

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| 1st Congress.<br>1st Session.                         | <p><i>“Ordered—That Mr. Langdon, Mr. Strong, and Mr. Carroll, be a committee, to confer with any committee that may be appointed on the part of the House of Representatives, and report what newspapers the members of the Senate and House of Representatives shall be furnished with at the public expense.”</i></p> <p>On the 15th, the House of Representatives passed the following order:—</p> <p><i>“Ordered—That Mr. Silvester, Mr. Winkoop, and Mr. Smith, of South Carolina, be a committee, to confer with the committee appointed by the Senate, to report what newspapers the members of Congress shall be furnished with at the public expense: and that it be our instruction to the said committee, on the part of this house, to receive proposals for printing the Acts, and other proceedings of Congress; and to report thereupon.”</i></p> <p>On the 16th, the Senate agreed to give a similar instruction to the committee, on their part, and various petitions from printers, presented to the Senate, were referred to the committee of the Senate.</p> <p>This joint committee having made two reports, in the following terms:—</p> <p>I. <i>“That, in their opinion, public economy requires that the expense heretofore incurred by the public, of supplying every member of Congress with all the newspapers, printed at the seat of Congress, should be retrenched in future. But, as your committee consider the publication of newspapers to be highly beneficial in disseminating useful knowledge throughout the United States, and deserving of public encouragement, they recommend that each member of Congress be supplied, at the public expense, with one paper, leaving the choice of the same to each member; and that it be the duty of the secretary of the Senate, and clerk of the House of Representatives, to give the necessary directions to the different printers, to furnish each member with such paper as he shall choose.</i></p> <p>II. <i>“That it would be proper that it should be left to the secretary of the Senate, and clerk of the House of Representatives, to contract with such person as shall engage to execute the printing and binding business, on the most reasonable terms; the paper being furnished by the said secretary and clerk, to such person, at the public expense. That such person as they shall contract with, shall be obliged to render a state of his accounts, quarterly, and that six hundred copies of the Acts of</i></p> | S. Journal,<br>p. 25. |
| Committee of Senate, concerning supply of newspapers. |   |                       |
| House appoints committee.                             |   | H. Journal,<br>p. 35. |
| Additional instruction.                               |   |                       |
| Senate gives similar instruction.                     |   | S. Journal;<br>p. 26. |
| Report concerning newspapers.                         |   | H. Journal,<br>p. 42. |
| Report concerning printing.                           |   | Ibid.                 |

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**1st Congress. 1st Session.** Congress, and seven hundred copies of the Journals, be printed and distributed to the executive and judicial, and heads of departments, of the government of the United States, and the executive, legislative, and judicial of the several states."

**House rejects one report.** The House of Representatives took up these reports for consideration, on the 28th of May, and the first report was disagreed to, and the second was agreed to, in the amended form in which it appears. On the 2d of June, the Senate concurred with the House in their decision, as to these two reports, after amending the second report, by inserting, after the words "distributed to the," the words "members of the legislature, to the." This amendment received the concurrence of the House of Representatives, on the 3d of June.

**Adopts the other.**

**Senate amends, and House agrees.**

H. Journal, p. 42.  
S. Journal, p. 30.  
H. Journal, p. 44.

On the 6th of July, the House of Representatives adopted the following resolution:—

**Resolution of house to prefix Constitution to Acts.** "Resolved—That there be prefixed to the publication of the acts of the present session of Congress, a correct copy of the Constitution of government for the United States.

Id. p. 58.

**Senate concurs.** And the Senate, on the same day, concurred in the resolution.

S. Journal, p. 39.

**House committee.** The House of Representatives, on the 7th of May, appointed Messrs. Bland, Trumbull and Vining, a committee to confer with any committee to be appointed on the part of the Senate, in preparing and reporting joint rules to be established between the two houses, for the enrolment, attestation, publication, and preservation of the acts of Congress, as also on the mode of presenting addresses, bills, votes, or resolutions, to the President of the United States." On the same day, the Senate appointed Messrs. Langdon, Read, and Henry, to be a committee on their part for the same purpose. This committee reported to the Senate on the 14th of May, and to the House of Representatives on the 15th, and the report was considered by the house in committee of the whole, and, on the 27th of July, the following resolutions were reported and agreed to:—

**Enrolment of bills, &c.**

**Senate committee.**

**Committee reports.**

H. Journal, p. 30.  
S. Journal, p. 23.  
Id. p. 26.  
H. Journal, p. 35.

**House adopts resolutions.** "Resolved—That it is the opinion of this committee, that the following ought to be established joint rules between the two houses, to wit:—

H. Journal, p. 66, 67.

"That, while bills are on their passage between the two houses, they shall be on paper, and under the signature of the secretary, or clerk of each house, respectively.

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"After a bill shall have passed both houses, it shall be duly enrolled on parchment, by the clerk of the House of Representatives, or the secretary of the Senate, as the bill may have originated in the one or the other house, before it shall be presented to the President of the United States.

"When bills are enrolled, they shall be examined by a joint committee, of one from the Senate, and two from the House of Representatives, appointed as a standing committee for that purpose, who shall carefully compare the enrolment with the engrossed bills, as passed in the two houses, and, correcting any errors that may be discovered in the enrolled bills, make their report forthwith to the respective houses.

"After examination, and report, each bill shall be signed, in the respective houses, first, by the speaker of the House of Representatives, and then by the president of the Senate.

"After a bill shall have thus been signed in each house, it shall be presented, by the said committee, to the President of the United States, for his approbation, it being first endorsed, on the back of the roll, certifying in which house the same originated; which endorsement shall be signed by the secretary, or clerk, as the case may be, of the house in which the same did originate; and shall be entered on the journals of each house. The said committee shall report the day of presentation to the President, which time shall also be carefully entered on the Journal of each house.

"All orders, resolutions, and votes, which are to be presented to the President of the United States, for his approbation, shall, also, in the same manner, be previously enrolled, examined, and signed; and shall be presented in the same manner, and by the same committee, as provided in case of bills.

"That when the Senate and House of Representatives shall judge it proper to make a joint address to the President, it shall be presented to him in his audience chamber, by the president of the Senate, in the presence of the speaker, and both houses.

Resolution  
relative to pre-  
servation  
of acts, &c.

"*Resolved*—That it is the opinion of this committee, that a committee ought to be appointed to prepare, and bring in, a bill, or bills, to provide, without the establishment of a new department, for the safe keeping of the acts, records, and seal, of the United States; for the authentication of records, and papers, for establishing the fees of office to be taken, for commissions, and for copies of records and papers; for making out and recording commissions, and prescribing their form; and to provide for the due publication of the acts of Congress."

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|---|--|--|
| 1st Congress.<br>1st Session.                             | <p>On the 6th of August, the Senate concurred in all the resolutions relating to the joint rules; and the house appointed Messrs. Sedgwick, Mathews, and Wynkoop, a committee, pursuant to the second resolution, to prepare and bring in a bill or bills. And, on the 31st of July, the committee reported a bill, which was read a first time, and, after passing through the intermediate stages, was passed on the 27th of August. On the 31st of August, this bill received its first reading in the Senate, and, after being considered and amended, passed that body on the 7th of September. And on the 8th of September, the house having concurred in the amendments of the Senate, the bill finally passed.</p> | <p>S. Journal, p. 54.<br/>H. Journal, p. 67.<br/>Id. p. 69, 90, 91.<br/>S. Journal, p. 68, 69, 70, 71.<br/>Id. p. 104.</p> |
| Senate concurs.   |  |  |
| House committee to prepare bills.                         |  |  |
| Bill reported.  |  |  |
| Passed.   |  |  |
| Senate amends and passes bill.                            |  |  |
| House concurs.  |  |  |
| Joint committee on enrolled bills appointed.              | <p>On the 31st of July, the House of Representatives appointed Messrs. White and Partridge on their part, and the Senate appointed, on their part, Mr. Wingate, to be a joint committee, to examine and present to the President of the United States, the enrolled bills that may pass the Senate and House of Representatives from time to time.</p>   | <p>Id. p. 50.<br/>H. Journal, p. 69.</p>   |
| Senate committee on mode of communicating acts to states. | <p>A committee, consisting of Messrs. Morris, Carroll, Langdon, Read, and Lee, having been appointed by the Senate, on the 3d of June, to consider, and report the mode of communicating the acts of Congress to the several states in the Union, and the number necessary for that purpose," that committee reported on the following day, and the Senate adopted the following resolution:—</p>  | <p>S. Journal, p. 31.</p>  |
| Committee report.   |  |  |
| Resolution of Senate thereupon.                           | <p>"Resolved—That, in ten days after the passing of every act of Congress, during the present session, or, until some other regulation shall be adopted, twenty-two printed copies thereof, signed by the secretary of the Senate, and clerk of the House of Representatives, and certified by them to be true copies of the original act, be lodged with the President of the United States, and that he be requested to cause to be transmitted, two of the said copies, so attested as aforesaid, to each of the supreme executives in the several states."</p>   |  |
| House concurs.  | <p>And, on the 5th of June, the House of Representatives concurred with the Senate in this resolution.</p>   | <p>H. Journal, p. 46.</p>  |
| House committee of elections.                             | <p>On the 13th of April, the House of Representatives elected, by ballot, Messrs. Clymer, Ames, Benson, Carroll, White, Huntington, and Gilman, a standing committee of elections.</p>   | <p>Id. p. 13.</p>  |
| Petition of D. Ramsay against the return of W. Smith.     | <p>On the 15th of April, a petition of David Ramsay, of the state of South Carolina, was presented to the house, setting forth that Mr. William Smith, a member returned to serve in this house, as</p>  | <p>Id. p. 14, 15.</p>  |



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one of the representatives for the state of South Carolina, was, at the time of his election, ineligible thereto, and came within the disqualification of the third paragraph of the new Constitution, which declares, "that no person shall be a representative, who shall not have been seven years a citizen of the United States;" and praying that these allegations may be inquired into by the house.

"*Ordered*—That the said petition be referred to the committee of elections, and that the said committee do report a proper mode of investigation, and deciding thereupon."

The committee reported on the 18th of April, and, on the 29th, the report was amended, to read as follows:—

Report  
amended.

"That, in this case, it will be sufficient, in the first instance, that a committee take such proofs as can be obtained in this city, respecting the facts stated in the petition, and report the same to the house:—That Mr. Smith be permitted to be present, from time to time, when such proofs are taken, to examine the witnesses, and to offer counter proofs, which shall, also, be received by the committee, and reported to the house:—That, if the proofs, so to be reported, shall be declared, by the house, insufficient to verify the material facts stated in the petition, or such other facts as the house shall deem proper to be inquired into, it will then be necessary for the house to direct a farther inquiry, especially the procuring whatever additional testimony may be supposed to be in South Carolina, as the case may require:—That all questions, arising on the proofs, be decided by this house, without any previous opinion thereon, reported by a committee."

H. Journal,  
p. 23.

The house then adopted the following resolution:—

Resolution.

"*Resolved*—That this house doth agree to the said report, and that it be an instruction to the committee of elections, to proceed accordingly."

On the 12th of May, the committee of elections made the following report:—

Committee  
father re-  
port.

"That Mr. Smith appeared before them, and admitted that he had subscribed, and had caused to be printed, in the State Gazette, of South Carolina, of the 24th of November last, the publication which accompanies this report, and to which the petitioner doth refer, as proof of the facts stated in his petition:—That Mr. Smith also admitted that his father departed this life in the year 1770, about five months after he sent him to Great Britain;

H. Journal,  
p. 33.

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that his mother departed this life about the year 1760, and that he was admitted to the bar of the Supreme Court, in South Carolina, in the month of January, 1784.

"The committee also report the following counter proofs, produced by Mr. Smith, namely, printed copies of the following acts of the legislature of the state of South Carolina:—An act, entitled 'An act to oblige every free male inhabitant of this state, above a certain age, to give assurance of fidelity and allegiance to the same, and for other purposes, therein mentioned;' passed the 28th of March, 1778.—An act, entitled 'An act disposing of certain estates, and banishing certain persons, therein mentioned;' passed the 26th day of February, 1782.—An act, entitled 'An act to alter and amend an act, entitled 'An act for disposing of certain estates, and banishing certain persons; passed at Jacksonburgh, in the state of South Carolina, on the 26th day of February, in the year 1782;' passed in March, 1783.'—An act, entitled 'An act to confer the right of citizenship on aliens;' passed the 26th of March, 1784.—Also, an ordinance of the legislature of the said state, entitled 'An ordinance to encourage subjects of foreign states to lend money, at interest, on real estate, within this state;' passed the 26th of March, 1784.—A certified copy of an extract from an act of the legislature of that state, entitled 'An act for raising, and paying into the public treasury of this state, a tax, for the uses therein mentioned;' passed the 9th of September, 1779,—and a printed copy of the constitution of South Carolina.—Also, a certificate from John Edwards and William Hoit, commissioners of the treasury of that state, under the seal of office."

**Laid on table.** The house then ordered the report to lie on the table. On the H. Journal, 21st and 22d, it was farther considered; and, on the last named day, the following resolution was agreed to:—

**Resolution of house.** "Resolved—That it appears to this house, upon full and mature consideration, that the said William Smith had been seven years a citizen of the United States, at the time of his election."

While this resolution was pending, Mr. Smith gave a full and succinct history of the causes which had led to his detention in Europe, for so long a period, as to give a pretext for the denial of his eligibility, as a representative in Congress. He also stated, that he had been elected a member of the South Carolina legislature, in twelve months after his return from Europe; and, in the next year, to other offices, to which none, whose right of citizenship was contestible, could have been elected. After Mr.

Lloyd's  
Congressional Register, vol. i. p. 383—395.

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Smith had closed his statement and reasoning, the house was addressed, in succession, by Mr. Lee, Mr. Thatcher, Mr. Madison, Mr. Boudinot, and Mr. Tucker, who unanimously approved of the satisfactory manner in which the allegations of the petitioner had been answered.

The ayes and noes being required, the decision was recorded, as follows:—

Ayes and  
noes.

*Ayes*—Messrs. Abraham Baldwin, Egbert Benson, Elias Boudinot, Lambert Cadwalader, Daniel Carroll, George Clymer, Isaac Coles, Benjamin Coutee, Thomas Fitzsimons, William Floyd, Nicholas Gilman, Benjamin Goodhue, Daniel Heister, Benjamin Huntington, John Lawrance, Richard Bland Lee, George Leonard, Samuel Livermore, James Madison, jr., Andrew Moore, Peter Muhlenberg, John Page, Jeremiah Van Rensselaer, Joshua Seney, James Schureman, Thomas Scott, Thomas Sinnickson, William Smith, of Maryland, Jonathan Sturges, Peter Silvester, George Thatcher, Jonathan Trumbull, Thomas Tudor Tucker, John Vining, Alexander White, and Henry Wynkoop.—36.

H. Journal,  
p. 39, 40.

*No*—Jonathan Grout.—1.

Petitions  
from New  
Jersey a-  
gainst elec-  
tions.

On the 28th of April, the speaker laid before the house a letter from Matthias Ogden, referring to sundry petitions, annexed thereto, from a number of citizens of New Jersey, complaining of illegality in the late election of representatives for that state, to this House. This letter and petitions were referred, on the

Id. p. 23.

Referred.

following day, to the committee of elections, with an instruction to report a proper mode of investigation and decision thereupon.

Ibid.

Counter  
petitions.

Counter petitions were presented, on the 12th of May, from other citizens of New Jersey, and referred to the same committee; and, on the 15th of May, other petitions, of the same tenor, were presented and referred.

Id. p. 33.

Id. p. 35.

The committee reported, on the 21st of May; and, on the 25th, the house amended the report, to read as follows:—

Id. p. 39.

Report.

“That it will be proper to appoint a committee, before whom the petitioners are to appear, and who shall receive such proofs and allegations as the petitioners shall judge proper to offer, in support of their said petitions; and who shall, in like manner, receive all proofs and allegations, from persons who may be desirous to appear and be heard, in opposition to the said petition, and to report to the house all such facts as shall arise from the proofs and allegations of the respective parties.”

Id. p. 40.

The house then adopted the following resolution:—

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Resolution  
of house.

“Resolved—That this house doth agree with the committee in the said report, and that it be an instruction to the said committee of elections to proceed accordingly.”

H. Journal,  
p. 40.

Committee  
report.  
Laid on table.  
Farther report.

On the 14th of July, the committee made a report, which was considered on the following day, and ordered to lie on the table. On the 18th of August, the committee made a farther report, as follows:—

Id. p. 60,  
61.

Id. p. 83.

“That the committee, pursuant to the instruction to them, contained in the resolution of the 25th of May, relative to the petitions of a number of citizens of the State of New Jersey, complaining of the illegality of the election of the members of this house, as elected within that state, do ascertain the following facts, as arising from the proofs, to wit:—

“1st. That the elections for members of this house, held within that state, in consequence of an act of the Legislature thereof, entitled ‘An act for carrying into effect, on the part of the state of New Jersey, the Constitution of the United States, assented to, ratified, and confirmed, by this state, on the 18th day of December, 1787;’ passed the 21st day of November, 1788, were closed in the several counties of Bergen, Morris, Monmouth, Hamilton, Somerset, Middlesex, Sussex, Salem, Cape May, Cumberland, Burlington, and Gloucester; and the lists of the several persons voted for, and the number of votes taken for each, were received by the governor, at the respective times, appearing from the said lists, and the endorsements thereon; which lists accompany this report.

2d. That the election in the county of Essex, the remaining county in the state, closed on the 27th of April, and the list was received by the governor on the 3d of May.

“3d. That in consequence of a summons from the governor, (a copy whereof accompanies this report,) dated the 27th of February, to four members of the council, a privy council, consisting of the governor, and the four members so summoned, did assemble at Elizabethtown, on the 3d of March; and, being so assembled, Mr. Haring, another member of the council, received a note from the governor, (a copy whereof accompanies this report) in consequence whereof, Mr. Haring did then, also, attend the privy council, as a member thereof.

“4th. That the governor then appointed another meeting of the privy council, to be held on the 18th of March, at which day, the governor, and eleven members of the council, did assemble, and did then determine, from the lists of the twelve

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counties specified in the first fact above stated, the four members now holding seats in this house, the four persons elected members of this house within that state; against which determination of the council, three of the members, then present, did protest; and a protest (a copy whereof accompanies this report) was, with the consent of the council, delivered in to the council, in form, on the subsequent day.

“5th. That there was no determination of the governor and privy council, in the premises, until the 18th of March.

“6th. That the governor did, on the 19th of March, issue a proclamation, (a copy whereof accompanies this report.)”

This report was then laid on the table; and, on the 2d of September, the house, having resumed the consideration of this subject, adopted the following resolution:—

Resolution  
of house.

“*Resolved*—That it appears to this house, upon full and mature consideration, that James Schureman, Lambert Cadwalader, Elias Boudinot, and Thomas Sinnickson, were duly elected, and returned to serve in this house, as representatives for the state of New Jersey, in the present Congress of the United States.”

H. Journal,  
p. 95.

On the 4th of August, the following resolution was adopted in the House of Representatives:—

Resolution  
of house,  
as to business  
to be acted on.

“*Resolved*—That a committee be appointed to join with a committee of the Senate, to be appointed for that purpose, to consider of, and report when it will be convenient and proper that an adjournment of the present session of Congress should take place; and to consider and report such business now before Congress, necessary to be finished before the adjournment, and such as may be conveniently postponed to the next sessions; and, also, to consider and report such matters not now before Congress, but which it will be necessary should be considered and determined by Congress before an adjournment.”

Id. p. 71.

Committee.

And Messrs. Wadsworth, Carroll, and Hartley, were appointed to compose said committee on the part of the house.

Senate  
committee.

On the following day, this resolution received the concurrence of the Senate, who, on their part, appointed Messrs. Strong, Ellsworth, and Carroll, to be a committee on their part, for the

S. Journal,  
p. 52.

Report.

purposes therein stated. This joint committee reported to the Senate on the 10th of August, and to the house on the 11th, and the report was, in both houses, ordered to lie on the table. The House of Representatives, on the 24th of August, came to the following resolution:—

Id. p. 56.  
H. Journal,  
p. 78.

House resolution to

“*Resolved*—That the president of the Senate, and speaker of

Id. p. 89.

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- 1st Congress. 1st Session. the House of Representatives, do adjourn their respective houses on the twenty-second day of September next, to meet again on the first Monday of December next.”
- adjoin Sept. 22d.
- Senate concurs. The Senate concurred in this resolution, on the following day. S. Journal, p. 63. In the mean time, however, two bills, which were deemed of importance, were brought into the House on Representatives, the final action on which could not be had by the 22d of September. Accordingly, on that day, the House of Representatives agreed to the following order:—
- House extends the session. “Ordered—That the order of the twenty-fifth of August, directing the president of the Senate, and speaker of the House, to adjourn their respective houses on this day, be rescinded; and instead thereof, that they be directed to close the present session, by adjourning their respective houses on the twenty-sixth instant.” H. Journal, p. 118.
- Senate concurs. And this order was concurred in by the Senate, on the same day. But on the 26th, the business before the Senate being in such a condition as to render adjournment, at that time, inexpedient, the Senate adopted the following resolution:— S. Journal, p. 85.
- Senate extends the session. “Resolved—That the order of the 22d instant, directing the president of the Senate, and speaker of the House of Representatives, to adjourn their respective houses on this day, be rescinded; and instead thereof, that they be directed to close the present session, by adjourning their respective houses on the 29th instant.” Id. p. 89.
- House concurs. The house concurred in this resolution. The Senate, on the same day, agreed to the following resolution:— H. Journal, p. 125.
- Senate resolution to inform President. “Resolved—That Messrs. Johnson and Izard be a committee on the part of the Senate, together with such committee as may be appointed on the part of the House of Representatives, to wait on the President of the United States, and acquaint him that Congress have agreed upon a recess on the 29th instant.” S. Journal, p. 90.
- House concurs. On the 28th, this resolution was acquiesced in by the House of Representatives, who appointed Messrs. Vining, Lee, and Gilman, to be a committee, on their part, for the purpose therein mentioned. This committee having performed the duty assigned to them, the President, on the 29th of September, communicated to the Senate a message, of which the following is a copy:— H. Journal, p. 126.
- Message from President to Senate. “Gentlemen of the Senate:—  
“Having been yesterday informed, by a joint committee of both houses of Congress, that they had agreed to a recess, to commence this day, and to continue until the first Monday of January next, I take the earliest opportunity of acquainting you,

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that, considering how long and laborious this session has been, and the reasons which, I presume, have produced this resolution, it does not appear to me expedient to recommend any measures to their consideration, at present, or now to call your attention, gentlemen, to any of those matters in my department, which require your advice and consent, and yet remain to be despatched.

“GEORGE WASHINGTON.

“United States, September 29, 1789.”

Message to  
house.

A message, similar in its import, was transmitted, on the same day, to the House of Representatives. And after the disposal of sundry business, the House agreed to the following order:—

H. Journal,  
p. 129.

Message  
from  
House to  
Senate.

“Ordered—That a message be sent to the Senate, to inform them that this House, having completed the business before them, are now about to proceed to close the present session, by an adjournment on their part; agreeably to the order of the 26th instant; and that the clerk of this House do go with the said message.”

Id. p. 130.

Adjourn-  
ment.

The two houses then adjourned to the first Monday in January next.

Bill to alter  
time for  
next meet-  
ing of Con-  
gress pass-  
ed in  
House.

On the 21st of September, the House of Representatives had, on motion, granted leave to bring in a bill to alter the time of the annual meeting of Congress, and Mr. Jackson was instructed to prepare the same. The bill was reported, and received its first reading on that day. On the 22d, the bill was read a second time, and committed. The bill passed through committee of the whole, where it was amended. It was then ordered to be engrossed, and on the 24th, the bill passed the house, with the title so amended, as to read “An act to alter the time for the next meeting of Congress.” On the 24th, the bill received its first reading in the Senate, and passed through all the other stages on the following day.

Id. p. 116.

Id. p. 118.

Id. p. 119.

Id. p. 120.

Senate pass  
the bill.

During the whole of this session, the two houses occupied apartments in the City Hall of New York. On the 7th of April, the speaker laid before the House of Representatives a letter from the mayor of the city of New York, covering certain resolutions of the mayor, aldermen, and commonalty of the said city, appropriating the City Hall for the accommodation of the general government of the United States. A letter was also communicated to the Senate, on the 6th of April, from James

H. Journal,  
p. 8.

City Hall  
offered to  
Congress.Order of  
Senate  
thereupon.

Duane, esq., enclosing similar resolutions. On the 13th, this letter was referred to a committee of the Senate, consisting of Messrs. Lee, Ellsworth and Few, which committee reported on

S. Journal,  
p. 10, 11.

1st Congress.  
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the 14th of April, when the Senate adopted the following order:—

*“Ordered—That the following letter be written to the mayor of the city of New York, by the president, and that nothing farther, for the present, be done in the business.*

*“New York, April 14th, 1789.*

SIR,

Letter in  
reply to of-  
fer from  
Senate.

“The Senate have considered the letter that you were s. Journal, pleased to address to their house, on the 6th instant; and they P. 11. entertain a proper sense of the respect shown to the general government of the United States, by providing so commodious a building for the accommodation of Congress, as the mayor, aldermen, and commonalty of the city have appropriated for that use. The appointment of Mr. Skaats to the care of the public hall, would be very agreeable to the Senate; but, in their idea, such appointment must depend upon a legislative act for creating the office, and then the officer to fill it will come constitutionally from the nomination of the President of the United States, with the approbation of Senate. In the mean time, the Senate have no objection to the mayor and aldermen appointing such person to the care of the hall, as they deem worthy of such trust.

“I have the honour to be, &c.

“Signed by the President of the Senate.

“The Hon. JAMES DUANE.”

Senate  
committee  
to view  
rooms.

On the 9th of May, the Senate appointed Messrs. Few, Ma- id. p. 24. clay and Strong, a committee to view the apartments in the City Hall, and to confer with any committee, that might be appointed by the House of Representatives for that purpose, and to report

House  
committee.

how the same should be appropriated. And, on the 11th of May, H. Journal, Messrs. White, Scott, and Sturges, were appointed by the House P. 33. of Representatives a committee for the same purpose. A report was made to the Senate, by this committee, on the 17th and 19th of June, in part, as follows:—

Committee  
report.

“That the two rooms on the first floor, in the south-west an- s. Journal, gle of the said Hall, are not necessary for the accommodation of P. 35. Congress, and that the mayor of the city be notified thereof, that the said rooms may be occupied by such persons as the corporation may employ to take charge of the building.”

Agreed to.

The report was agreed to by the Senate, and concurred in by the House, on the 22d of June. H. Journal, p. 50.



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Permanent  
seat of go-  
vernment.

Offer of  
Virginia.

Offer of  
Maryland.

Proposi-  
tion from  
New Jer-  
sey and  
Pennsylva-  
nia.

House  
resolution  
on the sub-  
ject.

Consider-  
ed.

An attempt was made, however, at this session of Congress, to establish a permanent seat of government. The advantages, which would necessarily result to the district of country in which the seat of the general government should be established, were too obvious to permit this point to be settled, without competition and controversy. Accordingly, it appears from the Journals, that, so early as the 15th of May, Mr. White, a representative from Virginia, "presented to the house, a resolve of the legislature of that state, of the 27th of December, 1788, offering to the acceptance of the federal government, ten miles square of territory, or any lesser quantity, in any part of that state which Congress may choose, to be occupied and possessed by the United States, as the seat of the federal government."

And, on the 16th of the same month, "Mr. Seney, one of the representatives from Maryland, presented to the house, an act of the legislature of that state, offering to the acceptance of Congress, ten miles square of territory, in any part of the said state, for the seat of the federal government."

On the 22d of August, several memorials of the inhabitants of Trenton, in the state of New Jersey; and of the boroughs of Lancaster and Yorktown, in the state of Pennsylvania, were presented to the house, and read, respectively praying that the permanent seat of Congress may be established at the same."

And, in the Senate, on the same day, the memorial of John Cox and others, citizens of the state of New Jersey, and of the state of Pennsylvania, praying that the future seat of government might be established on the banks of the Delaware, and proposing a cession of a tract of land of ten miles square, was presented, with a draft of the said tract of land.

On the 27th of August, the following resolution was submitted to the consideration of the House of Representatives:—

*"Resolved—*That a permanent residence ought to be fixed for the general government of the United States, at some convenient place, as near the centre of wealth, population, and extent of territory, as may be consistent with convenience to the navigation of the Atlantic Ocean, and having due regard to the particular situation of the western country."

This resolution was taken up for consideration on the 3d of September, the house having, on motion,—

*"Resolved—*That this house will immediately resolve itself into a committee of the whole house, to take into consideration

H. Journal,  
p. 36.

Ibid.

Id. p. 87.

S. Journal,  
p. 62.

H. Journal,  
p. 92.

Id. p. 96.

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## Organization of Houses—Rules, &amp;c.

1789.

**1st Congress.**  
**1st Session.** the motion, presented on Thursday last, for establishing the permanent residence of Congress."

**Resolutions reported.**

Mr. Boudinot then took the chair of the committee, and the subject was considered and discussed daily, in committee, until the 5th, on which day the committee reported sundry resolutions. H. Journal, p. 97.

The house, on the 7th, took up these resolutions for consideration, when the first resolution was agreed to, in the words following:—

**First resolution agreed to.**

*Resolved*—That the permanent seat of the government of the United States, ought to be fixed at some convenient place, as near the centre of wealth, population and extent of territory, as may be consistent with convenience, to the navigation of the Atlantic Ocean, and having due regard to the particular situation of the western country." Ibid.

The second resolution, as reported by the committee of the whole, was in the words following:

**Second resolution.**

*Resolved*—That the permanent seat of the government of the United States, ought to be at some convenient place, on the east bank of the river Susquehannah, in the state of Pennsylvania, and that, until the necessary buildings be erected for the purpose, the seat of government ought to continue at the city of New York." Id. p. 98.

**Motion to amend.**

A motion was made to amend this resolution, by striking out the words, "East bank of the river Susquehannah, in the state of Pennsylvania," and inserting, in lieu thereof, the words, "North bank of the river Potomac, in the state of Maryland." Ibid.

The ayes and noes being taken on this motion to amend, it was decided as follows:—

**Ayes and noes.**

*Ayes*—Messrs. A. Baldwin, T. Bland, J. Brown, E. Burke, D. Carroll, J. Coles, B. Coutee, G. Gale, S. Griffin, J. Jackson, R. B. Lee, J. Madison, jr., G. Mathews, A. Moore, J. Page, J. Parker, W. Smith, of South Carolina, M. J. Stone, T. Sumpter, T. T. Tucker, and J. Vining.—21.

*Noes*—Messrs. F. Ames, E. Benson, E. Boudinot, L. Cadwalader, G. Clymer, T. Fitzsimons, W. Floyd, A. Foster, E. Gerry, N. Gilman, B. Goodhue, J. Grout, T. Hartley, J. Hathorn, J. Lawrance, S. Livermore, P. Muhlenberg, G. Partridge, J. Van Rensselaer, T. Scott, J. Seney, R. Sherman, P. Silvester, T. Sinnickson, W. Smith, of Maryland, G. Thatcher, J. Trumbull, J. Wadsworth, and H. Wynkoop.—29.

| CHAP. I.                      | Organization of Houses—Rules, &c.   | 1789.              |
|-------------------------------|---|--------------------|
| 1st Congress.<br>1st Session. | <p>A motion was then made to strike out the word "permanent;" also, after the words "ought to be at," to strike out to the end of the resolution, and to insert, in lieu thereof, "the borough of Wilmington, in the state of Delaware."</p> <p>The ayes and noes being taken on this motion to amend, it was decided as follows:—</p>  | H. Journal, p. 98. |
| Another motion to amend.      | <p><i>Ayes</i>—Messrs. A. Baldwin, T. Bland, E. Boudinot, E. Burke, L. Cadwalader, J. Coles, B. Coutee, S. Griffin, J. Jackson, R. B. Lee, J. Madison, jr., G. Mathews, A. Moore, J. Page, J. Parker, T. Sinnickson, W. Smith, of South Carolina, T. Sumpter, and J. Vining.—19.</p> <p><i>Noes</i>—Messrs. F. Ames, E. Benson, J. Brown, D. Carroll, G. Clymer, T. Fitzsimons, W. Floyd, A. Foster, G. Gale, E. Gerry, N. Gilman, B. Goodhue, J. Grout, T. Hartley, J. Hathorn, D. Heister, J. Lawrance, S. Livermore, P. Muhlenberg, G. Partridge, J. Van Rensselaer, T. Scott, J. Seney, R. Sherman, P. Silvester, W. Smith, of Maryland, M. J. Stone, G. Thatcher, J. Trumbull, T. T. Tucker, J. Wadsworth, and H. Wynkoop.—32.</p> | Id. p. 98, 99.     |
| Another motion to amend.      | <p>A motion was then made to strike out the words, "East bank of the river Susquehannah, in the state of Pennsylvania," and to insert, in lieu thereof, the words, "Potomac, Susquehannah, or Delaware."</p> <p>The ayes and noes being taken on this motion to amend, it was decided as follows:—</p>  | Id. p. 99.         |
| Ayes and noes.                | <p><i>Ayes</i>—Messrs. A. Baldwin, T. Bland, E. Boudinot, J. Brown, E. Burke, L. Cadwalader, D. Carroll, J. Coles, B. Coutee, S. Griffin, J. Jackson, R. B. Lee, J. Madison, jr., G. Mathews, A. Moore, J. Page, J. Parker, T. Sinnickson, W. Smith, of South Carolina, M. J. Stone, T. Sumpter, T. T. Tucker, and J. Vining.—23.</p> <p><i>Noes</i>—Messrs. F. Ames, E. Benson, G. Clymer, T. Fitzsimons, W. Floyd, A. Foster, G. Gale, E. Gerry, N. Gilman, B. Goodhue, J. Grout, T. Hartley, J. Hathorn, D. Heister, J. Lawrance, S. Livermore, P. Muhlenberg, G. Partridge, J. Van Rensselaer, T. Scott, J. Seney, R. Sherman, P. Silvester, W. Smith, of Maryland, G. Thatcher, J. Trumbull, J. Wadsworth, and H. Wynkoop.—28.</p> | Ibid.              |
| Another motion to amend.      | <p>A motion was then made to strike out the words, "East bank of the river Susquehannah, in the state of Pennsylvania," and to insert, in lieu thereof, the words, "banks of either side of the river Delaware, not more than eight miles above or below the lower falls of Delaware."</p> <p>The ayes and noes being taken on this motion to amend, it was decided as follows:—</p>  | Ibid.              |

## CHAP. I.

## Organization of Houses—Rules, &amp;c.

1789.

1st Congress.  
1st Session.Ayes and  
noes.

*Ayes*—Messrs. E. Boudinot, L. Cadwalader, E. Gerry, and Thomas Sinnickson.—4. H. Journal, p. 100.

*Noes*—Messrs. F. Ames, A. Baldwin, E. Benson, T. Bland, J. Brown, E. Burke, D. Carroll, G. Clymer, J. Coles, B. Coutee, T. Fitzsimons, W. Floyd, A. Foster, G. Gale, N. Gilman, B. Goodhue, S. Griffin, J. Grout, T. Hartley, J. Hathorn, D. Heister, J. Jackson, J. Lawrance, R. B. Lee, S. Livermore, J. Madison, jr., G. Mathews, A. Moore, P. Muhlenberg, J. Page, J. Parker, G. Partridge, J. Van Rensselaer, T. Scott, J. Seney, R. Sherman, P. Silvester, Wm. Smith, of Maryland, Wm. Smith, of South Carolina, M. J. Stone, T. Sumpter, G. Thatcher, J. Trumbull, T. T. Tucker, J. Wadsworth, and H. Wynkoop.—46.

Another  
motion to  
amend.

A motion was then made to strike out the words "East bank," and insert, in lieu thereof, the word "banks."

Ibid.

The ayes and noes being taken on this motion to amend, it was decided as follows:—

Ayes and  
noes.

*Ayes*—Messrs. A. Baldwin, T. Bland, E. Boudinot, J. Brown, E. Burke, L. Cadwalader, D. Carroll, J. Coles, B. Coutee, G. Gale, S. Griffin, J. Jackson, R. B. Lee, J. Madison, jr., G. Mathews, A. Moore, J. Page, J. Parker, J. Seney, T. Sinnickson, W. Smith, of Maryland, W. Smith, of South Carolina, M. J. Stone, T. Sumpter, T. T. Tucker, and J. Vining.—26.

Ibid.

*Noes*—Messrs. F. Ames, E. Benson, G. Clymer, T. Fitzsimons, W. Floyd, A. Foster, E. Gerry, N. Gilman, B. Goodhue, J. Grout, T. Hartley, J. Hathorn, D. Heister, J. Lawrance, S. Livermore, P. Muhlenberg, G. Partridge, J. Van Rensselaer, T. Scott, R. Sherman, P. Silvester, G. Thatcher, J. Trumbull, J. Wadsworth, and H. Wynkoop.—25.

Another  
motion to  
amend.

A motion was then made to amend the resolution, by inserting, after the word "Pennsylvania," the words, "or Maryland."

Id. p. 101.

The ayes and noes being taken on this motion to amend, it was decided as follows:—

Ayes and  
noes.

*Ayes*—Messrs. A. Baldwin, T. Bland, E. Boudinot, J. Brown, E. Burke, L. Cadwalader, D. Carroll, J. Coles, B. Coutee, G. Gale, S. Griffin, J. Jackson, R. B. Lee, J. Madison, jr., G. Mathews, A. Moore, J. Page, J. Parker, T. Sinnickson, W. Smith, of Maryland, W. Smith, of South Carolina, M. J. Stone, T. Sumpter, T. T. Tucker, and J. Vining.—25.

*Noes*—Messrs. F. Ames, E. Benson, G. Clymer, T. Fitzsimons, W. Floyd, A. Foster, E. Gerry, N. Gilman, B. Goodhue, J. Grout, T. Hartley, J. Hathorn, D. Heister, J. Lawrance, S. Livermore, P. Muhlenberg, G. Partridge, J. Van Rensselaer, T. Scott, J. Se-

| CHAP. I.                       | Organization of Houses—Rules, &c.   | 1789.                  |
|--------------------------------|---|------------------------|
| 1st Congress.<br>1st Session.  | ney, R. Sherman, P. Silvester, G. Thatcher, J. Trumbull, J. Wadsworth, and H. Wynkoop.—26.  |                        |
| Another<br>motion to<br>amend. | A motion was then made to strike out the words, "City of New York," and to insert, in lieu thereof, "Borough of Wilmington, in the state of Delaware."  | H. Journal,<br>p. 101. |
|                                | The ayes and noes being taken on this motion to amend, it was decided as follows:—  |                        |
| Ayes and<br>noes.              | <i>Ayes</i> —Messrs. A. Baldwin, T. Bland, E. Boudinot, J. Brown, E. Burke, L. Cadwalader, D. Carroll, J. Coles, B. Coutee, G. Gale, S. Griffin, J. Jackson, R. B. Lee, J. Madison, jr., G. Mathews, A. Moore, J. Page, J. Parker, T. Sinnickson, T. Sumpter, and J. Vining.—21.  |                        |
|                                | <i>Noes</i> —Messrs. F. Ames, E. Benson, G. Clymer, T. Fitzsimons, W. Floyd, A. Foster, E. Gerry, N. Gilman, B. Goodhue, J. Grout, T. Hartley, J. Hathorn, D. Heister, J. Lawrance, S. Livermore, P. Muhlenberg, G. Partridge, J. Van Rensselaer, T. Scott, J. Seney, R. Sherman, P. Silvester, W. Smith, of Maryland, W. Smith, of S. Carolina, M. J. Stone, G. Thatcher, J. Trumbull, T. T. Tucker, J. Wadsworth, and H. Wynkoop.—30. |                        |
| Another<br>motion to<br>amend. | A motion was then made to strike out the word "New York," and to insert, in lieu thereof, the word "Philadelphia."  | Id. p. 102.            |
|                                | The ayes and noes being taken on this motion to amend, it was decided as follows:—  |                        |
| Ayes and<br>noes.              | <i>Ayes</i> —Messrs. A. Baldwin, E. Boudinot, J. Brown, E. Burke, L. Cadwalader, D. Carroll, J. Coles, B. Coutee, G. Gale, S. Griffin, D. Heister, J. Jackson, R. B. Lee, J. Madison, jr., G. Mathews, A. Moore, J. Page, J. Parker, T. Sinnickson, M. J. Stone, T. Sumpter, and J. Vining.—22.   |                        |
|                                | <i>Noes</i> —Messrs. F. Ames, E. Benson, T. Bland, G. Clymer, T. Fitzsimons, W. Floyd, A. Foster, E. Gerry, N. Gilman, B. Goodhue, J. Grout, T. Hartley, J. Hathorn, J. Lawrance, S. Livermore, P. Muhlenberg, G. Partridge, J. Van Rensselaer, T. Scott, J. Seney, R. Sherman, P. Silvester, W. Smith, of Maryland, W. Smith, of South Carolina, G. Thatcher, J. Trumbull, T. T. Tucker, J. Wadsworth, and H. Wynkoop.—29.             |                        |
| Resolution<br>agreed to.       | The resolution was then agreed to, so amended as to read "on the banks of the river Susquehannah," instead of "on the east bank."   |                        |
| Third reso-<br>lution.         | The third resolution, as reported by the committee of the whole, was in the words following:—   | Id. p. 102,<br>103.    |
|                                | "Resolved—That the President of the United States be authorized to appoint three commissioners, to examine and report   |                        |

1st Congress.  
1st Session.

to him the most eligible situation on the banks of the Susquehanna, in the state of Pennsylvania, for the permanent seat of government of the United States: that the said commissioners be authorized, under the direction of the President, to purchase such quantity of land as may be thought necessary, and to erect thereon, within four years, suitable buildings for the accommodation of the Congress, and of the officers of the United States: that the secretary of the treasury, together with the commissioners so to be appointed, be authorized to borrow a sum not exceeding one hundred thousand dollars, to be repaid within twenty years, with interest, not exceeding the rate of five *per cent. per annum*, out of the duties on impost and tonnage, to be applied to the purchase of the land, and the erection of the buildings aforesaid; and that a bill ought to pass in the present session, in conformity with the foregoing resolutions."

Motion to  
add provi-  
so.

A motion was then made, to amend this resolution, by inserting, after the word "aforesaid," the following proviso: H. Journal,  
p. 103.

"*Provided, nevertheless*,—That, previously to any such purchase or erection of buildings, as aforesaid, the legislatures of the states of Pennsylvania and Maryland make such provision for removing all obstructions to the navigation of the said river, between the seat of the federal government, and the mouth thereof, as may be satisfactory to the President of the United States."

The ayes and noes being taken on this motion to amend, it was decided as follows:—

Ayes and  
noes.

*Ayes*—Messrs. Baldwin, Boudinot, Brown, Burke, Cadwalader, Carroll, Coles, Coutee, Gale, Jackson, Lee, Madison, jr., Matthews, More, Page, Parker, Seney, Sinnickson, Smith, of Maryland, Smith, of S. Carolina, Stone, Sumpter, Tucker, and Vining.—24.

*Noes*—Messrs. Ames, Benson, Clymer, Fitzsimons, Floyd, Foster, Gerry, Gilman, Goodhue, Grout, Hartley, Hathorn, Heister, Lawrance, Livermore, Muhlenberg, Partridge, Van Rensselaer, Scott, Sherman, Silvester, Thatcher, Trumbull, Wadsworth, and Wynkoop.—25.

Resolution  
agreed to.

The third resolution was then agreed to, in the form in which it was reported by the committee, by the following vote:— Ibid.

Ayes and  
noes.

*Ayes*—Messrs. Ames, Benson, Clymer, Fitzsimons, Floyd, Foster, Gale, Gilman, Goodhue, Grout, Hartley, Hathorn, Heister, Lawrance, Livermore, Muhlenberg, Partridge, Van Rensselaer, Scott, Seney, Sherman, Silvester, Smith, of Maryland, Stone, Thatcher, Trumbull, Wadsworth, and Wynkoop.—28. Id. p. 103,  
104.

| CHAP. I.   | Organization of Houses—Rules, &c.  | 1789.                       |
|--|--|-----------------------------|
| 1st Congress.<br>1st Session.                            | <i>Noes</i> —Messrs. Baldwin, Boudinot, Brown, Burke, Cadwalader, Carroll, Coles, Coutee, Gerry, Jackson, Lee, Madison, jr., Mathews, Moore, Page, Parker, Sinnickson, Smith, of South Carolina, Sumpter, Tucker, and Vining.—21.  |                             |
| Committee<br>to prepare<br>bill.                         | The house then ordered a bill or bills to be brought in, pursuant to the foregoing resolutions, and Messrs. Ames, Lawrance, and Clymer, were instructed to prepare and bring in the same.  | H. Journal,<br>p. 104.      |
| Petition<br>from<br>George-<br>town.                     | A petition was presented to the house, on the 8th of September, from sundry inhabitants of Georgetown, in the state of Maryland, containing an offer to put themselves and fortunes under the exclusive jurisdiction of Congress, in case that town should be selected as the permanent seat of the government of the United States."  | Ibid.                       |
| Bill re-<br>ported.                                      | On the 14th of September, the committee appointed for that purpose, introduced into the house a bill to establish the seat of government of the United States, which was read a first time, received its second reading, and was committed on the following day, and, on the 17th, was considered in committee, and reported to the house with amendments, which were read and agreed to on the same day. On the 21st, the bill was ordered to be engrossed, and was passed, on the 22d, by the following vote:— | H. Journal,<br>p. 110. 113. |
| Progress<br>and pass-<br>age of bill.                    |  | Id. 116,<br>117.            |
| Ayes and<br>noes.  | <i>Ayes</i> —Messrs. Ames, Baldwin, Benson, Clymer, Coutee, Fitzsimons, Floyd, Foster, Gale, Gilman, Goodhue, Grout, Hartley, Hathorn, Jackson, Lawrance, Leonard, Livermore, Muhlenberg, Partridge, Van Rensselaer, Scott, Seney, Sherman, Silvester, Smith, of Maryland, Stone, Thatcher, Trumbull, Wadsworth, and Wynkoop.—31.  | H. Journal,<br>p. 117, 118. |
|  | <i>Noes</i> —Messrs. Bland, Boudinot, Burke, Cadwalader, Carroll, Coles, Lee, Madison, jr., Mathews, Moore, Parker, Schureman, Smith, of South Carolina, Sumpter, Tucker, Vining, and White.—17.   |                             |
| Offer of<br>public<br>buildings<br>in Phila-<br>delphia. | In the Senate, on the 21st of September, Mr. Morris, on behalf of the senators from Pennsylvania, introduced a resolve of the General Assembly of that state, of March the 5th, 1789, making "a respectful offer to Congress of the use of any, or all the public buildings in Philadelphia, the property of the state, &c., in case Congress should, at any time, incline to make choice of that city for the temporary residence of the federal government."   | S. Journal<br>p. 83.        |
| Bill in Se-<br>nate.                                     | The act to establish the seat of government of the United States, was read a first time in the Senate, on the 22d of September. On the following day, the bill received a second reading. On the 24th, the bill being under consideration, a motion  | S. Journal,<br>p. 85.       |
| Read<br>twice.   |  |                             |

1st Congress.  
1st Session.

Motions to  
amend.

was made to strike out the words, "in the state of Pennsylvania," after the word "Susquehannah." The question being taken by yeas and nays, it was decided as follows:—

S. Journal,  
p. 86, 87.

*Yeas*—Messrs. Bassett, Butler, Carroll, Grayson, Gunn, Henry, Izard, and Lee.—8.

*Nays*—Messrs. Dalton, Ellsworth, Johnson, King, Maclay, Morris, Paterson, Read, Schuyler, and Wingate.—10.

A motion was then made to strike out the words, "at some convenient place on the banks of the river Susquehannah, in the state of Pennsylvania;" and the question being taken by yeas and nays, it was decided, the first time, in the negative; but a motion for reconsideration, on the ground that the question was not understood, being made and agreed to, the question was again taken by yeas and nays, and decided as follows:—

*Yeas*—Messrs. Bassett, Butler, Dalton, Ellsworth, Grayson, Gunn, Lee, Morris, Paterson, Read, and Wingate.—11.

*Nays*—Messrs. Carroll, Henry, Johnson, Izard, King, Maclay, and Schuyler.—7.

A motion to insert, in the room of the words stricken out, the words, "at some convenient place on the northern banks of the river Potomac," was then made, and decided in the negative.

It was then moved to restore these words, "at some convenient place on the banks of the river Susquehannah." Upon which, a motion was made to postpone that motion, and to substitute a motion to fill the blank with these words, "in the counties of Philadelphia, Chester, and Bucks, and state of Pennsylvania, including within it the town of Germantown, and such part of the Northern Liberties of the city of Philadelphia, as are not excepted by the act of cession, passed by the legislature of the said state."

The motion to postpone being carried in the affirmative, the question was taken by yeas and nays, on the motion substituted, and decided as follows:—

*Yeas*—Messrs. Bassett, Dalton, Ellsworth, King, Morris, Paterson, Read, Schuyler, and Wingate.—9.

*Nays*—Messrs. Butler, Carroll, Grayson, Gunn, Henry, Johnson, Izard, Lee, and Maclay.—9.

The numbers being equal, the Vice-President determined the question in the affirmative.

Motions to  
amend.

On the 25th, the consideration of the bill having been resumed, a motion was made to strike out the words, "And that, until the necessary buildings shall be erected thereon, the seat of govern- S. Journal, P. 88.



1st Congress.  
1st Session.

ment shall continue at New York ;” and, the question being taken, by yeas and nays, it was decided as follows :—

*Yeas*—Messrs. Butler, Carroll, Grayson, Gunn, Henry, Lee, and Maclay.—7.

*Nays*—Messrs. Bassett, Dalton, Ellsworth, Johnson, Izard, King, Morris, Paterson, Read, Schuyler, and Wingate.—11.

A motion was then made to amend the second section, to read as follows :—

“ And be it further enacted, That the President of the United States be authorized to appoint three commissioners, who are, under his direction, to locate a district, not exceeding ten miles square, in the said counties, and including therein the said Northern Liberties, and town of Germantown ; and to purchase such quality of land within the same, as may be necessary ; and to accept grants of lands, for the use of the United States ; and to erect thereon, within four years, suitable buildings for the accommodation of the Congress, and of the officers of the United States.”

And this motion passed in the affirmative.

A motion was then made, which also passed in the affirmative, to strike out the two last sections, and to substitute the following :

“ *Provided*, That no powers, herein vested in the President of the United States, shall be carried into effect, until the state of Pennsylvania, or individual citizens of the same, shall give satisfactory security to the secretary of the treasury, to furnish and pay, as the same may be necessary, one hundred thousand dollars, to be employed in erecting the said buildings.”

Passage of  
bill.

The bill was then ordered to be read a third time, to-morrow. *S. Journal*, Accordingly, on the 26th of September, the bill came again before the Senate, on the question of its passage, when, after an unsuccessful motion to postpone the further consideration thereof, the question was taken, by yeas and nays, on the passage of the bill, and decided as follows :—

*Yeas*—Messrs. Bassett, Dalton, Ellsworth, Johnson, King, Morris, Paterson, Read, Schuyler, and Wingate.—10.

*Nays*—Messrs. Butler, Carroll, Grayson, Gunn, Henry, Izard, and Lee.—7.

House motion to  
postpone.

The bill having been sent to the House, for the concurrence of that body, in the amendments made by the Senate, a motion was made, in the House of Representatives, on the same day, “ That the consideration of the Senate’s amendment to the bill, be post- *H. Journal*, p. 125.

## CHAP. I.

## Organization of Houses—Rules, &amp;c.

1790.

**1st Congress.**      **1st Session.**      postponed until the next session of Congress." The question being taken, by ayes and noes, it was decided as follows:—

**Ayes and noes.**      *Ayes*—Messrs. Baldwin, Bland, Brown, Burke, Carroll, Coles, Coutee, Gale, Gerry, Griffin, Jackson, Lee, Madison, jr., Mathews, Moore, Page, Parker, Schureman, Seney, Smith, of Maryland, Smith, of S. Carolina, Stone, Sumpter, Tucker, and White.—25.

*Noes*—Messrs. Ames, Benson, Boudinot, Cadwalader, Clymer, Fitzsimons, Floyd, Foster, Gilman, Goodhue, Grout, Hartley, Hathorn, Heister, Lawrance, Leonard, Livermore, Muhlenberg, Partridge, Van Rensselaer, Scott, Sherman, Silvester, Sinnickson, Thatcher, Trumbull, Vining, Wadsworth, and Wynkoop.—29.

**House amends Senate's amendment.**      On the 28th, the amendment of the Senate was again considered, and a motion was made to amend the Senate's amendment, by adding to the end thereof the following words:— **H. Journal, p. 126, 127.**

"*And provided*, That nothing herein contained shall be construed to affect the operation of the laws of Pennsylvania, within the district ceded and accepted, until Congress shall otherwise provide, by law."

This question, being taken by ayes and noes, was decided as follows:—

**Ayes and noes.**      *Ayes*—Messrs. Ames, Benson, Cadwalader, Clymer, Fitzsimons, Floyd, Foster, Gerry, Gilman, Goodhue, Grout, Hartley, Hathorn, Heister, Huntington, Lawrance, Leonard, Livermore, Muhlenberg, Partridge, Van Rensselaer, Schureman, Sherman, Scott, Silvester, Sinnickson, Thatcher, Trumbull, Vining, Wadsworth, and Wynkoop.—31.

*Noes*—Messrs. Baldwin, Bland, Boudinot, Brown, Burke, Carroll, Coles, Coutee, Gale, Griffin, Jackson, Lee, Madison, jr., Mathews, Moore, Page, Parker, Seney, Smith, of Maryland, Smith, of South Carolina, Stone, Sumpter, Tucker, and White.—24.

**Postponement of bill in Senate.**      The amendment thus made by the House to the amendment of the Senate, being sent up to the Senate for concurrence, a motion was made in the latter body, that the farther consideration of the bill be postponed to the next session of Congress: and this motion passed in the affirmative. **S. Journal, p. 93.**

**Day of thanksgiving recommended to President.**      Previously to their adjournment, the two houses appointed a joint committee to wait on the President, "to request that he would recommend to the people of the United States a day of public thanksgiving and prayer to be observed, by acknowledging with grateful hearts, the many and signal favours of Almighty God, especially by affording them an opportunity peaceably to **H. Journal, p. 123.** **S. Journal, p. 90.**

## CHAP. I.

## Organization of Houses—Rules, &amp;c.

1789.

1st Congress.  
1st Session.

establish a constitution of government for their safety and happiness."

The committee consisted, on the part of the House, of Messrs. Boudinot, Sherman, and Silvester; and, on the part of the Senate, of Messrs. Johnson and Izard.

## SECOND SESSION.

1st Congress.  
2d Session.

ON Monday, the 4th day of January, the two houses reassembled at the city of New York.

1790.

Congress  
assembled.

Ten members only of the Senate having answered to their names on the first day, the Senate adjourned for want of a quorum. On the 6th, a quorum was present, the following Senators appearing in their places:—

## SENATORS.

Senators  
present.

John Langdon }  
and } NEW HAMPSHIRE.  
Paine Wingate, }

Caleb Strong }  
and } MASSACHUSETTS.  
Tristram Dalton, }

Wm. S. Johnson, —CONNECTICUT.

Rufus King, }  
and } NEW YORK.  
Philip Schuyler }

## SENATORS.

William Maclay, —PENNSYLVANIA.

John Henry, —MARYLAND.

Ralph Izard }  
and } SOUTH CAROLINA.  
Pierce Butler, }

William Few, —GEORGIA.

S. Journal,  
p. 101.

In the House of Representatives, a quorum did not appear until the 7th of January, when the following members were present:—

## REPRESENTATIVES.

Represent-  
atives pre-  
sent.

Abiel Foster, }  
Nicholas Gilman, } NEW HAMPSHIRE.  
Samuel Livermore, }

Fisher Ames, }  
Elbridge Gerry, } MASSACHUSETTS.  
Benj. Goodhue, }  
Jonathan Grout, }  
George Partridge, }  
George Thatcher, }

Roger Sherman, }  
Jonathan Sturges, } CONNECTICUT.  
Jeremiah Wadsworth, }

## REPRESENTATIVES.

Egbert Benson, }  
William Floyd, } NEW YORK.  
John Lawrance, }  
Jere. Van Rensselaer, }

Fred. Aug. Muhlen- }  
berg, Speaker, } PENNSYLVANIA.  
Peter Muhlenberg, }  
Thomas Scott, }

Joshua Seney, }  
Daniel Carroll, } MARYLAND.

Elias Boudinot, }  
James Schureman, } NEW JERSEY.

H. Journal,  
p. 133, 134.

## CHAP. I.

## Organization of Houses—Rules, &amp;c.

1790.

1st Congress.  
2d Session.

## REPRESENTATIVES.

Representatives present.

|  |   |           |
|--|---|-----------|
| John Brown,<br>Isaac Coles,<br>John Page,<br>Richard Bland Lee,<br>Samuel Griffin,<br>Alexander White, | } | VIRGINIA. |
|--|---|-----------|

## REPRESENTATIVES.

|  |   |                 |
|--|---|-----------------|
| Edanus Burke,<br>Daniel Huger,<br>William Smith,<br>Thos. T. Tucker, | } | SOUTH CAROLINA. |
| Abraham Baldwin,<br>George Mathews,                                  | } | GEORGIA.        |

Senate committee to inform President.

On the 6th of January, the Senate appointed Messrs. Strong and Izard to be a committee on their part, to join such committee as the House of Representatives might appoint, to inform the President of the United States, that a quorum of the two houses is assembled, and will be ready, in the senate chamber, at such time as the President may appoint, to receive any communications he may be pleased to make.

S. Journal,  
p. 102.

House committee.

The house, in concurrence with this resolution, appointed, on the following day, Messrs. Gilman, Ames, and Seney, to be a committee on their part.

H. Journal,  
p. 134.

Messages between houses.

Messages, communicating the information of the presence of a quorum, were interchanged by the two houses.

S. Journal,  
p. 101.  
H. Journal,  
p. 134.

The following resolution was agreed to by the House of Representatives, on the 7th of January:—

House agrees to elect chaplains.

*“Resolved—That two chaplains, of different denominations, be appointed to Congress, for the present session, one by each house, who shall interchange weekly.”*

Ibid.

Senate concurs, and elects. House elects.

On the same day, the Senate concurred, and elected the Right Reverend Dr. Samuel Provost to be chaplain of the Senate. On the following day, the House of Representatives elected the Reverend Dr. William Linn, to be their chaplain.

S. Journal,  
p. 102.  
H. Journal,  
p. 136.

President attends the twohouses.

On the 8th, the President of the United States, according to an intimation previously communicated to the joint committee of the two houses, came into the senate chamber, whither the House of Representatives had been previously invited by the Senate, and, in the presence of Congress, made the following address:—

H. Journal,  
p. 135, 136.  
S. Journal,  
p. 102, 103,  
104.

*“Fellow Citizens of the Senate, and House of Representatives:—*

Speech of President.

*“I embrace, with great satisfaction, the opportunity which now presents itself, of congratulating you on the present favourable prospects of our public affairs. The recent accession of the important state of North Carolina to the Constitution of the United States, (of which official information has been received:)*

1st Congress.  
2d Session.

Speech of  
President.

the rising credit and respectability of our country, and the generally increasing good-will towards the government of the Union, and the concord, peace, and plenty, with which we are blessed—are circumstances auspicious, in an eminent degree, to our national prosperity.

“In resuming your consultations for the general good, you cannot but derive encouragement from the reflection, that the measures of the last session have been as satisfactory to your constituents as the novelty and difficulty of the work allowed you to hope. Still further to realize their expectations, and to secure the blessings which a gracious Providence has placed within our reach, will, in the course of the present important session, call for the cool and deliberate exertion of your patriotism, firmness, and wisdom.

“Among the many interesting objects which will engage your attention, that of providing for the common defence will merit particular regard. To be prepared for war is one of the most effectual means of preserving peace.

“A free people ought not only to be armed, but disciplined: to which end, a uniform and well digested plan is requisite: and their safety and interest require, that they should promote such manufactories as tend to render them independent on others for essential, particularly for military supplies.

“The proper establishment of the troops, which may be deemed indispensable, will be entitled to mature consideration. In the arrangements which may be made respecting it, it will be of importance to conciliate the comfortable support of the officers and soldiers, with a due regard to economy.

“There was reason to hope that the pacific measures adopted with regard to certain hostile tribes of Indians, would have relieved the inhabitants of our southern and western frontiers from their depredations. But you will perceive, from the information contained in the papers which I shall direct to be laid before you, (comprehending a communication from the commonwealth of Virginia,) that we ought to be prepared to afford protection to those parts of the Union, and, if necessary, to punish aggressors.

“The interests of the United States require, that our intercourse with other nations should be facilitated by such provisions as will enable me to fulfil my duty, in that respect, in the manner which circumstances may render most conducive to the public good: and, to this end, that the compensations to be made to the persons who may be employed, should, according to the

1st Congress.  
2d Session.

Speech of  
President.

nature of their appointments, be defined by law: and a competent fund designated for defraying the expenses incident to the conduct of our foreign affairs.

“Various considerations, also, render it expedient, that the terms on which foreigners may be admitted to the rights of citizens, should be speedily ascertained by a uniform rule of naturalization.

“Uniformity in the currency, weights, and measures of the United States, is an object of great importance, and will, I am persuaded, be duly attended to.

“The advancement of agriculture, commerce, and manufactures, by all proper means, will not, I trust, need recommendation. But I cannot forbear intimating to you, the expediency of giving effectual encouragement, as well to the introduction of new and useful inventions from abroad, as to the exertions of skill and genius in producing them at home; and of facilitating the intercourse between the distant parts of our country, by a due attention to the post office and post roads.

“Nor am I less persuaded that you all agree with me in opinion, that there is nothing which can better deserve your patronage than the promotion of science and literature. Knowledge is, in every country, the surest basis of public happiness. In one in which the measures of government receive their impression so immediately from the sense of the community, as in ours, it is proportionably essential. To the security of a free constitution it contributes in various ways: by convincing those who are intrusted with the public administration, that every valuable end of government is best answered by the enlightened confidence of the people; and by teaching the people themselves to know, and to value their own rights; to discern and provide against invasions of them; to distinguish between oppression and the necessary exercise of lawful authority; between burdens proceeding from a disregard to their convenience, and those resulting from the inevitable exigencies of society; to discriminate the spirit of liberty from that of licentiousness; cherishing the first, avoiding the last; and uniting a speedy, but temperate, vigilance against encroachments, with an inviolable respect to the laws.

“Whether this desirable object will be best promoted by affording aid to seminaries of learning already established; by the institution of a national university; or by any other expedients, will be well worthy of a place in the deliberations of the legislature.

1st Congress.  
2d Session.

Speech of  
President.

*“Gentlemen of the House of Representatives:—*

“I saw, with peculiar pleasure, at the close of the last session, the resolution entered into by you, expressive of your opinion, that an adequate provision for the support of the public credit, is a matter of high importance to the national honour and prosperity. In this sentiment I entirely concur. And, to a perfect confidence in your best endeavours to devise such a provision as will be truly consistent with the end, I add an equal reliance on the cheerful co-operation of the other branch of the legislature. It would be superfluous to specify inducements to a measure, in which the character and permanent interests of the United States are so obviously and so deeply concerned, and which have received so explicit a sanction from your declaration.

*“Gentlemen of the Senate and House of Representatives:—*

“I have directed the proper officers to lay before you, respectively, such papers and estimates, as regard the affairs particularly recommended to your consideration, and necessary to convey to you that information of the state of the Union which it is my duty to afford.

“The welfare of our country is the great object to which our cares and efforts ought to be directed; and I shall derive great satisfaction from a co-operation with you, in the pleasing, though arduous task, of ensuring to our fellow citizens the blessings which they have a right to expect from a free, efficient, and equal government.

“GEORGE WASHINGTON.

*“United States, January 8, 1790.”*

Senate  
committee  
to prepare  
answer.

As soon as the President and members of the House of Representatives had retired, the Senate ordered the speech to be printed, and appointed Messrs. King, Izard, and Paterson, a committee to prepare and report the draft of an answer to it. On the 9th, the House of Representatives went into committee of the whole house on the speech, a copy of which was laid before the house by the speaker, and the committee having reported the following resolution—

S. Journal,  
p. 104.

House re-  
solution,  
and com-  
mittee.

*“Resolved—That it is the opinion of this committee that an address ought to be presented, by the house, to the President of the United States, in answer to his speech to both houses, with assurances that this house will, without delay, proceed to take into their serious consideration the various and important matters recommended to their attention:”*

H. Journal,  
p. 137.

1st Congress.  
2d Session.

The House agreed to the same, and appointed Messrs. Smith, of South Carolina, Clymer, and Lawrance, a committee to prepare such address.

On the 11th, Mr. King, from the Senate committee, reported the following address to the President, which was accepted by the Senate:—

Address of “*To the President of the United States:—*”  
Senate.

S. Journal,  
p. 104, 105.

“Sir—We, the Senate of the United States, return you our thanks for your speech, delivered to both houses of Congress. The accession of the state of North Carolina to the Constitution of the United States, gives us much pleasure; and we offer you our congratulations on that event, which, at the same time, adds strength to our Union, and affords a proof that the more the Constitution has been considered, the more the goodness of it has appeared. The information which we have received, that the measures of the last session have been as satisfactory to our constituents as we had reason to expect, from the difficulty of the work in which we were engaged, will afford us much consolation and encouragement, in resuming our deliberations, in the present session, for the public good; and every exertion, on our part, shall be made to realize, and secure to our country, those blessings which a gracious Providence has placed within her reach. We are persuaded that one of the most effectual means of preserving peace, is to be prepared for war; and our attention shall be directed to the objects of common defence, and to the adoption of such plans as shall appear the most likely to prevent our dependence on other countries for essential supplies. In the arrangements to be made, respecting the establishment of such troops as may be deemed indispensable, we shall, with pleasure, provide for the comfortable support of the officers and soldiers, with a due regard to economy. We regret that the pacific measures adopted by government, with regard to certain hostile tribes of Indians, have not been attended with the beneficial effects towards the inhabitants of our southern and western frontiers, which we had reason to hope; and we shall cheerfully co-operate in providing the most effectual means for their protection, and, if necessary, for the punishment of aggressors. The uniformity of the currency, and of weights and measures; the introduction of new and useful inventions from abroad, and the exertions of skill and genius in producing them at home; the facilitating the communication between the distant parts of our country, by means of post offices and post roads; a provision



1st Congress.  
2d Session.

Address of  
Senate.

for the support of the department of Foreign Affairs; and a uniform rule of naturalization, by which foreigners may be admitted to the rights of citizens, are objects which shall receive such early attention as their respective importance requires. Literature and science are essential to the preservation of a free Constitution: the measures of government should, therefore, be calculated to strengthen the confidence that is due to that important truth. Agriculture, commerce, and manufactures, forming the basis of the wealth and strength of our confederated republic, must be the frequent subject of our deliberations, and shall be advanced by all proper means in our power. Public credit being an object of great importance, we shall cheerfully co-operate in all proper means for its support. Proper attention shall be given to such papers and estimates as you may be pleased to lay before us. Our cares and efforts shall be directed to the welfare of our country; and we have the most perfect dependence upon your co-operating with us, on all occasions, in such measures as will ensure to our fellow citizens the blessings which they have a right to expect from a free, efficient, and equal government."

Address  
presented.

The President having fixed the 14th as the day when he would receive this address, in obedience to an order of the Senate, the Vice-President, on that day, attended by the Senate, waited on the President, at his own house, and, in their name, delivered the address. "To which, the President of the United States was pleased to make the following reply:—

S. Journal,  
p. 105, 106.

President's  
reply.

"Gentlemen: I thank you for your address, and for the assurances which it contains of attention to the several matters suggested by me to your consideration.

"Relying on the continuance of your exertions for the public good, I anticipate for our country the salutary effects of upright and prudent counsels.

"G. WASHINGTON."

The committee of the House of Representatives reported, on the 12th of January, an address, which received the unanimous acquiescence of the house, in the following words:—

Address of  
House.

"SIR: The representatives of the people of the United States have taken into consideration your speech to both houses of Congress, at the opening of the present session.

H. Journal,  
p. 139, 140.

"We reciprocate your congratulations, on the accession of the state of North Carolina; an event which, while it is a testimony of the increasing good will towards the government of the Union, cannot fail to give additional dignity and strength to the Ameri-

1st Congress.  
2d Session.

Address  
of House.

can republic, already rising, in the estimation of the world, in national character and respectability.

“The information that our measures of the last session have not proved dissatisfactory to our constituents, affords us much encouragement at this juncture, when we are resuming the arduous task of legislating for so extensive an empire.

“Nothing can be more gratifying to the representatives of a free people, than the reflection that their labours are rewarded by the approbation of their fellow citizens. Under this impression, we shall make every exertion to realize their expectations, and to secure to them those blessings, which Providence has placed within their reach. Still prompted by the same desire to promote their interests, which then actuated us, we shall, in the present session, diligently and anxiously pursue those measures which shall appear to us conducive to that end.

“We concur with you in the sentiment, that agriculture, commerce and manufactures, are entitled to legislative protection, and that the promotion of science and literature will contribute to the security of a free government: in the progress of our deliberations, we shall not lose sight of objects so worthy of our regard.

“The various and weighty matters, which you have judged necessary to recommend to our attention, appear to us essential to the tranquillity and welfare of the Union, and claim an early and most serious consideration. We shall proceed, without delay, to bestow on them that calm discussion which their importance requires.

“We regret that the pacific arrangements pursued with regard to certain hostile tribes of Indians, have not been attended with that success, which we had reason to expect from them; we shall not hesitate to concur in such farther measures, as may best obviate any ill effects which might be apprehended from the failure of those regulations.

“Your approbation of the vote of this house, at the last session, respecting the provision for the public creditors, is very acceptable to us. The proper mode of carrying that resolution into effect, being a subject in which the future character and happiness of these states are deeply involved, will be among the first to deserve our attention.

“The prosperity of the United States is the primary object of all our deliberations; and we cherish the reflection that every measure which we may adopt for its advancement, will not only receive your cheerful concurrence, but will, at the same time,

## CHAP. I.

## Organization of Houses—Rules, &amp;c.

1790.

**1st Congress. 2d Session.** derive from your co-operation, additional efficacy, in ensuring to our fellow citizens the blessings of a free, efficient, and equal government.”

**Address of House.**

**Address presented.** On the 14th, in conformity with an arrangement made by the committee, the speaker, attended by the house, presented this address to the President of the United States, at his own house, when the President made the following reply:— H. Journal, p. 140.

**President's reply.** “*Gentlemen:* I receive with pleasure the assurances you give me, that you will diligently and anxiously pursue such measures as shall appear to you conducive to the interest of your constituents: and that an early and serious consideration will be given to the various and weighty matters recommended by me to your attention.

“I have full confidence that your deliberations will continue to be directed by an enlightened and virtuous zeal for the happiness of our country.

“G. WASHINGTON.”

**House committee as to state of business.** On the 7th of January, the House of Representatives appointed a committee, consisting of Messrs. Boudinot, Sherman, and White, to examine the Journal of the last session, and to report therefrom all such matters of business as were then depending and undetermined. And on the 11th, this committee made their report, as follows:— Id. p. 134.

**Report.** “It appears to your committee, that the several petitions of David Ramsay, John Churchman, Alexander Lewis, Arthur Greer, Jedediah Morse, John Fitch, Englehart Cruse, Nicholas Pike, Samuel Briggs, John Christopher Stoebe, Leonard Harbaugh, Hannah Adams, Christopher Colles, David Greenleaf, John Macpherson, Abraham Westervelt, James Rumsey, and William Hoy, respectively praying for exclusive privileges, as authors or inventors of some useful work or discovery, were ordered to lie on the table, and so remained during the session. Id. p. 137, 138.

“It farther appears to your committee, that the several petitions of Martha Walker, Duncan Campbell, Tristram Coffin, William Finnie, Englebert Kemmena, Thomasin Gordon, Prudent la Lenesse, Baron de Steuben, and Richard Hain, respectively praying to be compensated for military services, or for injuries or losses sustained during the late war, were referred to the secretary of the treasury, to examine, and report upon to the present session.

“It further appears to your committee, that the several peti-

1st Congress.  
2d Session.

## Report.

tions of John M'Garragh, Dudley Tyler, Patrick Bennet, John Hart, James Gibbons, Archibald M'Alister, Alexander Power, attorney for Colonel Fleuris' regiment, Henry Malcolm, and Charles Markley, respectively praying to be compensated for military services rendered during the late war, were referred to the secretary of war, to examine, and report upon to the present session.

"It further appears to your committee, that the several petitions of Andrew Newell and Seth Clarke, Sarah Parker, Bartlet Hinds, Robert Frazier, David Sturges, Richard Philips, James M'Clean, James Read, and Thomas Barclay, respectively praying that certain claims which they exhibit against the United States, may be considered and allowed, were ordered to lie on the table, and so remained during the session.

"It also appears to your committee, that the petition of Joseph Wheaton, sergeant-at-arms to this house, praying an inquiry into the charges exhibited against him in certain anonymous letters, was ordered to lie on the table; and so remained during the session.

"Your committee further report, that committees were appointed to prepare, and bring in, the several bills following, to wit:—

"A bill to establish a uniform system on the subject of bankruptcies, throughout the United States.

"A bill for the further encouragement of the commerce and navigation of the United States.

"A bill providing for the actual enumeration of the inhabitants of the United States.

"Also, a bill providing a proper system of regulation for the militia of the United States."

Neither of which bills were reported during the session.

"It also appears to your committee, that there were postponed, by this house, for further consideration, until the present session, the several bills following, to wit:—

"A bill to promote the progress of science, and useful arts, by securing to authors, and inventors, the exclusive right to their respective writings and discoveries.

"A bill for the establishment of hospitals for the relief of sick and disabled seamen; and prescribing regulations for the harbours of the United States.

"A bill concerning the importation of certain persons, prior to the year one thousand eight hundred and eight.

1st Congress.  
2d Session.

“A bill to establish a land office in and for the Western Territory.

Report.

“Also, a bill sent from the Senate, entitled, ‘An act for the punishment of certain crimes against the United States.’

“That the bill, entitled, ‘An act to establish the seat of government of the United States,’ was postponed by the Senate, for the further consideration of an amendment proposed by this house, until the present session.

“And, lastly; That the report of the committee appointed to examine into the measures taken by Congress, and the state of Virginia, respecting lands reserved for the officers and soldiers of the said state, was postponed by this house, for further consideration, until the present session.”

The Senate, on the 20th of January, adopted the following resolution:—

Senate  
committee  
on un-  
finished  
business.

“Resolved—That Messrs. Ellsworth, Maclay, and Henry, S. Journal, be a committee to confer with such committee as may be ap- P. 106.  
pointed on the part of the House of Representatives, to consider and report, whether or not the business, began previously to the late adjournment of Congress, shall now be proceeded in as if no adjournment had taken place.”

House  
committee.

The House of Representatives, concurring in this resolution, H. Journal, appointed, on the same day, Messrs. Sherman, Thatcher, Hart- P. 143.  
ley, White, and Jackson, to be a committee on their part.

Report.

This joint committee reported to the two houses, on the 22d Id. p. 144.  
of January, “That the business unfinished between the two S. Journal,  
houses, at the late adjournment, ought to be regarded as if it had P. 107.  
not been passed upon by either.”

Senate  
adopts.

A motion was made to postpone the report of the committee, in the Senate, on the 25th, but the motion did not prevail; and the yeas and nays being called, on the question to agree to the report, it was decided as follows:—

Ibid.

*Yeas*—Messrs. Butler, Dalton, Ellsworth, Few, Hawkins, Henry, Johnson, King, Schuyler, and Strong.—10.

*Nays*—Messrs. Bassett, Elmer, Izard, Langdon, Maclay, Morris, Paterson, and Wingate.—8.

House  
concur.

On the same day, the House of Representatives concurred in this decision. H. Journal,  
P. 140.

House re-  
scinds rule.

The House of Representatives, on the 13th of January, agreed to the following order:—

Ibid.

## CHAP. I.

## Organization of Houses—Rules, &amp;c.

1790.

1st Congress.  
2d Session.Speaker to  
appoint  
commit-  
tees.

*“Ordered—*That so much of the standing rules and orders of this house, as directs the mode of appointing committees, be rescinded; and that, hereafter, it be a standing rule of the house, that all committees shall be appointed by the speaker, unless otherwise specially directed by the house; in which case, they shall be appointed by ballot; and if, upon such ballot, the number required shall not be elected by a majority of the votes given, the house shall proceed to a second ballot, in which a plurality of votes shall prevail; and, in case a greater number than are required to compose or complete the committee shall have an equal number of votes, the house shall proceed to a further ballot or ballots.”

Senate  
committee  
to change  
rule as to  
reconsider-  
ation.

The Senate, on the 23d of February, instructed a committee, consisting of Messrs. Hawkins, Langdon, and Few, to prepare and report a rule, determining in what cases a reconsideration of a vote of Senate shall be admissible. On the 24th, this committee reported, and on the following day the report was considered, amended, and accepted; whereupon, the Senate came to the following resolution:—

S. Journal,  
p. 115, 116.Report and  
resolution.

*“Resolved—*That, when a question has been once made and carried in the affirmative or negative, it shall be in order for any member of the majority to move for a reconsideration of it.”

On the 29th of April, the House of Representatives adopted the following order:—

House  
committee  
on joint  
rules.

*“Ordered—*That a committee be appointed to consider and report, whether any, and what, additional rules are necessary for regulating the proceedings of this house: and, that the said committee do confer with any committee to be appointed on the part of the Senate, to consider and report, whether any, and what, further regulations are necessary for conducting the business between the two houses; and a committee was appointed of Mr. Sherman, Mr. Smith, of South Carolina, and Mr. Vining.”

H. Journal,  
p. 205.Senate  
committee.

And the Senate, on the following day, concurring in this resolution, appointed Messrs. Lee, Izard, and Strong, a committee on their part.

S. Journal,  
p. 136.

On the 9th of June, a report was made to the house by this committee, and ordered to lie on the table. A report was also made to the Senate, on the 10th of June, and the Senate agreed to the following resolution:—

H. Journal,  
p. 236.  
S. Journal,  
p. 153, 154.

1st Congress.  
2d Session.

*“Resolved—That the Senate agree to the report, amended to read as follows:—*

*“1st. That, when a bill or resolution, which shall have passed in one house, shall be rejected in the other, notice thereof shall be given to the house in which the same shall have passed.*

*“2d. When a bill or resolution, which shall have passed in one house, shall be rejected in the other, it shall not be brought in during the same session, without a notice of ten days, and leave of two-thirds of that house in which it shall be renewed.*

*“3d. Each house shall transmit to the other all papers on which any bill or resolution shall be founded.*

*“4th. After each house shall have adhered to their disagreement, a bill or resolution shall be lost.”*

Here this effort to amend the joint rules appears to have terminated, as there is no further record of proceedings on the subject.

On the 29th of April, the following motion was submitted to the Senate:—

Motion to  
open doors  
of Senate.

*“That the doors of the senate chamber shall be open when the Senate is sitting in their legislative capacity, to the end, that such of the citizens of the United States as may choose to hear the debates of this house, may have an opportunity of so doing.”*

S. Journal,  
p. 135.

This resolution was considered, and negatived, on the following day.

Id. p. 136.

Standing  
committee  
of elec-  
tions.

A standing committee of elections was appointed by the House of Representatives, on the 1st of February, consisting of Messrs. Ames, Sherman, Benson, Sinnickson, Wynkoop, White, and Stone.

H. Journal,  
p. 150.

Newspapers.

On the 3d of April, the house appointed a committee, consisting of Messrs. Benson, Wadsworth, and Livermore, to report a provision for payment of the printers' accounts for newspapers, furnished for the use of Congress; and also a proper mode of regulating the future supply of newspapers, for the use of both houses.”

Id. p. 187.

On the 9th, this committee made their report, which was taken up for consideration on the 14th; whereupon,

Report.

The first part of the said report, in the words following, to wit: *“That the said accounts ought to be deemed as a part of the contingent expenses of the session, and to be credited and*

Id. p. 191.  
193, 194.

## CHAP. I.

## Organization of Houses—Rules, &amp;c.

1790.

1st Congress.  
2d Session.

paid as such," was, on the question put thereupon, agreed to by the house.

The second part of the said report, in the words following, to wit: "That there be no further supply of newspapers for the use of the members of either house of Congress, at the public expense," was, on the question put thereupon, disagreed to by the house.

Books for  
Congress.

By an order of the House of Representatives, of the 30th of April, a committee, consisting of Messrs. Gerry, Burke, and White, was appointed to report a catalogue of books necessary for the use of Congress. And this committee, on the 23d of June, made a report and estimate, which were laid on the table. H. Journal,  
p. 206. 249.

Death of  
Theodoric  
Bland.

On the 1st of June, information was communicated to the house of the death of Theodoric Bland, one of the members for the state of Virginia, who died on that morning. The house, thereupon, adopted the following order:— Id. p. 232.

Funeral  
committee.

"*Ordered*,—That such members of the said state as are now present, be appointed a committee to take order for superintending the funeral of the said Theodoric Bland, and that this house will attend the same."

On the following day, the house adopted a resolution as follows:—

Resolu-  
tions for  
mourning.

"*Resolved, unanimously*,—That the members of this house, from a sincere desire of showing every mark of respect due to the memory of Theodoric Bland, deceased, late a member thereof, will go in mourning for him one month, by the usual mode of wearing a crape round the left arm." Id. p. 233.

The Senate, on the same day, adopted the following resolution:—

Senate re-  
solve to at-  
tend fu-  
neral.

"*Resolved*—That the Senate will attend the funeral of Col. Bland, late a member of the House of Representatives of the United States, at 5 o'clock, this afternoon." S. Journal,  
p. 150.

There appears to have been no interruption to the business before either of the houses, in consequence of this casualty.

The House of Representatives, on the 1st day of June, came to the following resolution:—

House re-  
solution to  
append  
treaties to  
laws.

"*Resolved*—That all treaties made, or which shall be made, and promulgated, under the authority of the United States, shall, from time to time, be published and annexed to their code of laws by the secretary of state." H. Journal,  
p. 232.



| CHAP. I.  | Organization of Houses—Rules, &c.  | 1790.                      |
|---|--|----------------------------|
| 1st Congress.<br>2d Session.                            | On the 2d of June, the Senate concurred in this resolution.  | S. Journal,                |
| Senate<br>concurr.<br>Seat of go-<br>vernment.          | On the 31st of May, the difficult question, as to the seat of government, was again brought before the House of Representatives. And, on the same day, a bill was presented, with leave to the Senate by Mr. Butler, and read a first time, entitled, "An act to determine the permanent seat of Congress, and the government of the United States." | p. 149.<br><br>Id. p. 148. |
|   | The question which agitated the house on that day was, on the following motion—  |                            |
| Place for<br>next meet-<br>ing.                         | <i>Resolved</i> —That Congress will meet and hold their next session at ———"   | H. Journal,<br>p. 228.     |
|   | On this resolution, the ayes and noes were demanded, and it was decided as follows:—   |                            |
|   | <i>Ayes</i> —Messrs. Ashe, Baldwin, Brown, Cadwalader, Carroll, Clymer, Coles, Coutee, Fitzsimons, Gale, Gilman, Griffin, Hartley, Heister, Jackson, Lee, Madison, jr., Mathews, Moore, Muhlenberg, Page, Parker, Scott, Seney, Sinnickson, Steele, Stone, Sumpter, Vining, White, Williamson, Wynkoop.—32.  |                            |
|   | <i>Noes</i> —Messrs. Ames, Benson, Bloodworth, Boudinot, Burke, Floyd, Foster, Gerry, Goodhue, Grout, Huger, Huntington, Lawrance, Leonard, Livermore, Partridge, Van Rensselaer, Schureman, Sedgwick, Sherman, Silvester, Smith, of Maryland, Smith, of South Carolina, Sturges, Thatcher, Trumbull, Tucker.—27.                                    |                            |
|   | A motion was then made, to amend the resolution, by inserting, after the word " <i>Resolved</i> ," the following words:—   |                            |
| Motion to<br>amend.                                     | "That a permanent seat for the government of the United States ought to be fixed at some convenient place on the banks of the river Delaware, and"—  | Id. p. 229.                |
| Question<br>of order,<br>and appeal<br>to the<br>house. | An objection being taken to this motion, that it was not in order, the speaker declared the motion not to be in order. From which opinion of the chair, an appeal was made to the house by two members; and on the question—"Is the said motion in order?"—the question, the ayes and noes being called, was decided as follows:—                    | Id. p. 228,<br>229.        |
| Ayes and<br>noes.                                       | <i>Ayes</i> —Messrs. Benson, Boudinot, Burke, Coles, Floyd, Foster, Gerry, Goodhue, Hathorn, Huntington, Lawrance, Lee, Leonard, Livermore, Madison, jr., Partridge, Van Rensselaer, Schureman, Sedgwick, Seney, Sherman, Silvester, Smith, of Maryland, Smith, of South Carolina, Stone, Sturges, Thatcher, Trumbull, Tucker.—29.                   |                            |

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1790.

1st Congress.  
2d Session.

*Noes*—Messrs. Ames, Ashe, Baldwin, Bloodworth, Brown, Cadwalader, Clymer, Coutee, Fitzsimons, Gale, Gilman, Griffin, Grout, Hartley, Heister, Jackson, Mathews, Moore, Muhlenberg, Page, Parker, Scott, Sinnickson, Steele, Sumpter, Vining, White, Williamson, Wynkoop.—29.

Speaker's  
vote de-  
cides.

The members being equal, the speaker gave his vote in the negative.

Motion to  
commit.

A motion was then made to commit the original motion to a committee of the whole house, and, the ayes and noes being called on this question, it was decided as follows:—

H. Journal,  
p. 229, 230.Ayes and  
noes.

*Ayes*—Messrs. Ames, Benson, Bloodworth, Boudinot, Burke, Floyd, Foster, Gerry, Grout, Hathorn, Huger, Huntington, Lawrance, Livermore, Partridge, Van Rensselaer, Schureman, Sedgwick, Sherman, Silvester, Smith, of South Carolina, Sturges, Thatcher, Trumbull, Tucker.—25.

*Noes*—Messrs. Ashe, Baldwin, Brown, Cadwalader, Carroll, Clymer, Coles, Coutee, Fitzsimons, Gale, Gilman, Goodhue, Griffin, Hartley, Heister, Jackson, Lee, Leonard, Madison, jr., Mathews, Moore, Muhlenberg, Page, Parker, Scott, Seney, Sinnickson, Smith, of Maryland, Steele, Stone, Sumpter, Vining, White, Williamson, Wynkoop.—35.

Motion to  
insert "Phi-  
ladelphia."

A motion was then made to fill up the blank in the resolution, with the words, "the city of Philadelphia." And it was

Id. p. 230.

Motion to  
insert "or  
Balti-  
more."

then moved to amend the amendment, by adding the words,—  
"or Baltimore." And the ayes and noes being called on the latter motion, it was decided as follows:—

Ayes and  
noes.

*Ayes*—Messrs. Benson, Bloodworth, Burke, Floyd, Gerry, Grout, Hathorn, Huger, Jackson, Lawrance, Partridge, Van Rensselaer, Seney, Silvester, Smith, of Maryland, Smith, of South Carolina, Stone, Sturges, Sumpter, Thatcher, Trumbull, Tucker.—22.

*Noes*—Messrs. Ames, Ashe, Baldwin, Boudinot, Brown, Cadwalader, Carroll, Clymer, Coles, Coutee, Fitzsimons, Foster, Gale, Gilman, Goodhue, Griffin, Hartley, Heister, Huntington, Lee, Leonard, Livermore, Madison, jr., Mathews, Moore, Muhlenberg, Page, Parker, Schureman, Scott, Sedgwick, Sherman, Sinnickson, Steele, Vining, White, Williamson, Wynkoop.—38.

Motion to  
insert "the  
city of Phi-  
ladelphia."

The question being then taken on the motion to fill the blank with the words, "the city of Philadelphia," and the ayes and noes being called, it was decided as follows:—

Id. p. 230,  
231.

1st Congress.  
2d Session.

Ayes and  
noes.

*Ayes*—Messrs. Ames, Ashe, Baldwin, Boudinot, Brown, Cadwalader, Carroll, Clymer, Coles, Coutee, Fitzsimons, Gale, Gilman, Goodhue, Griffin, Hartley, Heister, Jackson, Lee, Leonard, Madison, jr., Mathews, Moore, Muhlenberg, Page, Parker, Partridge, Scott, Seney, Sinnickson, Smith, of Maryland, Steele, Stone, Sumpter, Thatcher, Vining, White, Williamson, Wynkoop.—38.

*Noes*—Messrs. Ames, Benson, Bloodworth, Burke, Floyd, Foster, Gerry, Grout, Hathorn, Huger, Huntington, Lawrance, Livermore, Van Rensselaer, Schureman, Sedgwick, Sherman, Silvester, Smith, of South Carolina, Sturges, Trumbull, Tucker.—22.

The resolution was then agreed to in its amended form, to read,—

Resolution  
is amend-  
ed.

“*Resolved*—That Congress shall meet and hold their next session at the city of Philadelphia.”

H. Journal,  
p. 231.

Senate pro-  
ceedings  
on the bill  
and resolu-  
tion.

On the 24th of May, a similar resolution to that adopted by the House had been presented to the Senate, and its consideration postponed until the 3d of June. The bill to determine the permanent seat of Congress and the government of the United States, having been read a second time, on the 1st of June, was, on the 2d, committed to a committee, consisting of Messrs. Butler, Johnson, Henry, Lee, and Dalton; and, on the same day, the resolution which had passed the House of Representatives, concerning the place of the next meeting of Congress, was referred to the same committee. On the 7th of June, the committee reported the bill; and, on the 8th, the Senate proceeded to the consideration of the resolution and the bill, after an ineffectual motion to postpone the former. The question to concur in the resolution of the house, was then taken by yeas and nays, and decided as follows:—

S. Journal,  
p. 144. 146.

Id. p. 148,  
149.

Id. p. 151,  
152.

Question  
to concur in  
resolution  
negated.

*Yeas*—Messrs. Bassett, Carroll, Elmer, Henry, Langdon, Lee, Maclay, Morris, Read, Walker, and Wingate.—11.

*Nays*—Messrs. Butler, Dalton, Ellsworth, Few, Gunn, Hawkins, Johnson, Johnston, Izard, King, Paterson, Schuyler, Strong.—15.

The Senate, therefore, refused to concur in the resolution.

The report of the committee on the bill to determine the permanent seat of Congress, &c., was then taken up. That report is as follows:—

1st Congress.  
2d Session.

Report of  
committee  
recom-  
mending  
bank of  
Potomac.

“1st. That, in their opinion, taking a combination of circumstances into consideration, the present session is a proper time for fixing on the permanent residence of Congress and the government of the United States, and, after due consideration, recommend that it be placed on the eastern or north-eastern bank of the Potomac.

S. Journal,  
p. 152.

“Your committee further recommend, that such sums of money as may be offered by the states, for the carrying this bill into effect, may be accepted of: then the bill will read thus:—  
“And, to accept of grants of money, or land.” Your committee were of opinion, that Congress can best determine the term to be allowed for completing the buildings.

“With respect to the temporary residence of Congress, your committee, after weighing all circumstances, consider the ground of choice to be so narrowed, as to be fully in the view of the Senate.

“Your committee recommend, that the Senate should agree with all the other parts of the bill.”

It was then moved, that the opinion of the Senate be taken, whether it be expedient, at this time, to determine upon any place for the permanent seat of government of the United States; and the question, being taken by yeas and nays, was decided as follows:—

*Yeas*—Messrs. Butler, Dalton, Few, Gunn, Hawkins, Johnson, Johnston, Izard, King, Paterson, Schuyler, and Strong.—12.

*Nays*—Messrs. Bassett, Carroll, Ellsworth, Elmer, Henry, Langdon, Lee, Maclay, Morris, Read, Walker, Wingate.—12.

Report re-  
jected.  
Bill con-  
sidered.

The members being equal, the Vice-President gave his casting vote in the negative. The report of the committee being thus rejected, the consideration of the bill to determine the permanent seat of Congress, and the government of the United States, was resumed. A motion was then made, to fill up the blank in the first paragraph of the bill, with the words “the easterly bank of the Potomac;” and this question, being taken by yeas and nays, was decided as follows:—

Motion to  
fill blank.

*Yeas*—Messrs. Butler, Few, Gunn, Hawkins, Johnson, Johnston, Izard, King, and Schuyler.—9.

*Nays*—Messrs. Bassett, Carroll, Dalton, Ellsworth, Elmer, Henry, Langdon, Lee, Maclay, Morris, Paterson, Read, Strong, Walker, Wingate.—15.

An unsuccessful motion was then made to postpone the con-  
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deration of the bill for a fortnight. It was then moved to fill the blank with the word "Baltimore," and this question, being taken by yeas and nays, was decided as follows:—

*Yeas*—Messrs. Butler, Few, Gunn, Hawkins, Johnson, Johnston, Izard.—7.

*Nays*—Messrs. Bassett, Carroll, Dalton, Ellsworth, Elmer, Henry, King, Langdon, Lee, Maclay, Morris, Paterson, Read, Schuyler, Strong, Walker, and Wingate.—17.

Various  
motions  
concerning  
bill.

Another motion was then made to postpone the bill, but it was decided in the negative; as was also a succeeding motion to postpone its further consideration till the next session of Congress. A motion was then made to reject the first enacting clause of the bill, to wit: "Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That a district of territory, not exceeding ten miles square, to be located, as hereafter directed, at ———, and the same is hereby accepted as the permanent seat of Congress and the government of the United States." This motion was also decided in the negative, as was a motion to adjourn, which was made immediately afterwards. It was then moved to fill the blank in the first clause of the bill, with the words, "Wilmington, in the state of Delaware." This motion was rejected. No further question was taken on the bill at that time.

S. Journal,  
p. 153.House con-  
siders reso-  
lution re-  
jected by  
Senate.

On the 10th of June, the House of Representatives proceeded to the consideration of their resolution to hold the next session at Philadelphia, to which the Senate had disagreed: the ayes and noes being taken, and the question being decided by the following vote:—

H. Journal,  
p. 237.Ayes and  
noes.

*Ayes*—Messrs. Ashe, Baldwin, Brown, Cadwalader, Carroll, Clymer, Coles, Coutee, Fitzsimons, Gale, Gilman, Griffin, Hartley, Heister, Lee, Madison, jr., Mathews, Moore, Muhlenberg, Page, Parker, Scott, Seney, Sinnickson, Smith, of Maryland, Steele, Stone, Sumpter, Vining, White, Williamson, Wynkoop.—32.

*Noes*—Messrs. Ames, Benson, Bloodworth, Boudinot, Burke, Floyd, Foster, Gerry, Goodhue, Grout, Hathorn, Huger, Huntington, Jackson, Lawrance, Leonard, Livermore, Partridge, Van Rensselaer, Schureman, Sedgwick, Sherman, Silvester, Smith, of South Carolina, Sturges, Thatcher, Trumbull, Tucker, Wadsworth.—20.

Motion to  
commit.

It was then moved to commit the resolution to a committee of the whole house, and the ayes and noes being taken, the question was decided as follows:—

1st Congress.  
2d Session.Ayes and  
noes.

*Ayes*—Messrs. Ames, Benson, Boudinot, Burke, Floyd, Foster, Gerry, Goodhue, Grout, Hathorn, Huger, Huntington, Lawrance, Leonard, Livermore, Partridge, Van Rensselaer, Schureman, Sedgwick, Sherman, Silvester, Smith, of Maryland, Smith, of South Carolina, Sturges, Thatcher, Trumbull, Tucker, Wadsworth.—28.

H. Journal,  
p. 238.

*Noes*—Messrs. Ashe, Baldwin, Brown, Bloodworth, Cadwalader, Carroll, Clymer, Coles, Coutee, Fitzsimons, Gale, Gilman, Griffin, Hartley, Heister, Jackson, Lee, Madison, jr., Mathews, Moore, Muhlenberg, Page, Parker, Scott, Seney, Sinnickson, Steele, Stone, Sumpter, Vining, White, Williamson, Wynkoop.—33.

A motion was then made to strike out the words, “City of Philadelphia,” and insert, “town of Baltimore.” On the following day, the question was taken on this motion, by ayes and noes, and it was decided as follows:—

Id. p. 239.

*Ayes*—Messrs. Ames, Benson, Bloodworth, Burke, Floyd, Foster, Gerry, Goodhue, Grout, Hathorn, Huger, Huntington, Jackson, Lawrance, Leonard, Livermore, Partridge, Van Rensselaer, Sedgwick, Seney, Sherman, Silvester, Smith, of Maryland, Smith, of South Carolina, Stone, Sturges, Sumpter, Thatcher, Trumbull, Tucker, Wadsworth.—31.

*Noes*—Messrs. Ashe, Baldwin, Brown, Cadwalader, Carroll, Clymer, Coles, Coutee, Fitzsimons, Gale, Gilman, Griffin, Hartley, Heister, Lee, Madison, jr., Mathews, Moore, Muhlenberg, Page, Parker, Scott, Sinnickson, Steele, Vining, White, Williamson, Wynkoop.—28.

The question was then taken by ayes and noes, on the resolution, as now amended, and was decided as follows:—

*Ayes*—Messrs. Ames, Ash, Baldwin, Benson, Bloodworth, Brown, Burke, Cadwalader, Carroll, Clymer, Coles, Coutee, Floyd, Foster, Gale, Gerry, Goodhue, Griffin, Grout, Hartley, Hathorn, Heister, Huger, Huntington, Jackson, Lawrance, Leonard, Livermore, Madison, jr., Mathews, Moore, Muhlenberg, Page, Parker, Partridge, Van Rensselaer, Scott, Sedgwick, Seney, Sherman, Silvester, Sinnickson, Smith, of Maryland, Smith, of South Carolina, Steele, Stone, Sturges, Sumpter, Thatcher, Trumbull, Vining, Wadsworth, White.—53.

Id. p. 239,  
240.

*Noes*—Messrs. Fitzsimons, Gilman, Schureman, Tucker, Williamson, Wynkoop.—6.

Senate  
postpones  
resolution.

On the 14th of June, the resolution was taken up by the Senate, when a motion was made to postpone the consideration to this day fortnight; and the question being taken by yeas and nays, it was decided as follows:—

S. Journal,  
p. 157, 158.

1st Congress.  
2d Session.

*Yeas*—Messrs. Butler, Dalton, Ellsworth, Few, Gunn, Hawkins, Johnson, Johnston, Izard, King, Paterson, Schuyler, Strong, —13.

*Nays*—Messrs. Bassett, Carroll, Elmer, Henry, Langdon, Lee, Maclay, Morris, Read, Walker, Wingate.—11.

Senate  
considers  
bill to de-  
terminethe  
permanent  
seat, &c.

According to this order, the Senate proceeded on the 28th of June to take up the resolution for consideration, when a motion was made, and agreed to, to postpone the consideration thereof, to take up the bill to determine the permanent seat of Congress and the government of the United States. At this stage, the Senate consented to receive the representations of John O'Donnell, in behalf of himself and others, citizens of Baltimore town, stating that town to be exceedingly commodious and eligible for the permanent seat of government of the United States; and the representation of Robert Peters, in behalf of himself and other freeholders, and other inhabitants of George Town, to the same purpose. A motion was then made to fill the blank in the first paragraph with the word "Baltimore," and, the question being taken by yeas and nays, it was determined as follows:—

S. Journal,  
p. 167.

Representa-  
tions  
from Balti-  
more and  
George  
Town.

*Yeas*—Messrs. Butler, Ellsworth, Few, Foster, Johnson, Johnston, Izard, King, Schuyler, Stanton.—10.

*Nays*—Messrs. Bassett, Carroll, Dalton, Elmer, Hawkins, Henry, Langdon, Lee, Maclay, Morris, Paterson, Read, Strong, Walker, Wingate.—15.

Senate fills  
up blank.

It was then moved, after the word "directed," in the fifth line of the bill, to strike out to the end of the clause, and insert "on the river Potomac, at some place between the mouths of the Eastern Branch and Connogochegue, be, and the same is hereby accepted for the permanent seat of the government of the United States: *Provided, nevertheless,* That the operation of the laws of the state, within such district, shall not be affected by this acceptance, until the time fixed for the removal of the government thereto, and until Congress shall otherwise by law provide." And, the question being taken on this motion by yeas and nays, it was decided as follows:—

*Yeas*—Messrs. Bassett, Butler, Carroll, Elmer, Few, Foster, Hawkins, Henry, Johnston, Izard, Langdon, Lee, Maclay, Morris, Read, Walker.—16.

*Nays*—Messrs. Dalton, Ellsworth, Johnson, King, Paterson, Schuyler, Stanton, Strong, Wingate.—9.

Motions to  
amend bill.

It was then moved to amend the bill to read as follows: after the word "authorized," in the second clause, strike out to the end of the said clause, and insert, "to appoint, and,

Id. p. 167,  
168.

1st Congress.  
2d Session.

Motions to  
amend.

by supplying vacancies happening from refusals to act, or other causes, to keep in appointment, as long as may be necessary, three commissioners, who, or any two of whom, shall, under the direction of the President, survey, and, by proper metes and bounds, define and limit, a district or territory, under the limitations above mentioned; and the district, so defined, limited and located, shall be deemed the district accepted by this act for the permanent seat of the government of the United States." This motion was agreed to.

It was then moved to subjoin to the amendment last agreed to, as follows:—"And be it enacted, that the said commissioners, or any two of them, shall have power to purchase or accept such quantity of land on the eastern side of the said river, within the said district, as the President shall deem proper, for the use of the United States; and, according to such plans as the President shall approve, the said commissioners, or any two of them, shall, prior to the first Monday in December, in the year one thousand eight hundred, provide suitable buildings for the accommodation of Congress, and of the President, and for the public offices of the government of the United States."

A motion was then made to amend this amendment, so as that it should read, "prior to the first Monday in December, one thousand seven hundred and ninety-four;" and the question on this motion, the yeas and nays being taken, was decided as follows:—

*Yeas*—Messrs. Butler, Few, Foster, Johnson, Johnston, Izard, King, Schuyler, Stanton.—9.

*Nays*—Messrs. Bassett, Carroll, Dalton, Ellsworth, Elmer, Hawkins, Henry, Langdon, Lee, Maclay, Morris, Paterson, Read, Strong, Walker, Wingate.—16.

A motion was then made to amend the proposed amendment, so as that it should read, "prior to the first Monday in December, one thousand seven hundred and ninety-eight, which motion also was negatived, the yeas and nays being called, as follows:—

*Yeas*—Messrs. Butler, Few, Johnson, Johnston, Izard, King, Schuyler, Stanton.—8.

*Nays*—Messrs. Bassett, Carroll, Dalton, Ellsworth, Elmer, Foster, Hawkins, Henry, Langdon, Lee, Maclay, Morris, Paterson, Read, Strong, Walker, Wingate.—17.

See original minutes.

[The printed Journal is wrong.]

The amendment, as it originally stood, was then agreed to.

It was then moved, to strike out the third, fourth, and fifth clauses in the bill, and to insert the following:—"And be it en-



1st Congress.  
2d Session.

Motions to  
amend.

acted, that, for defraying the expense of such purchases and buildings, the President of the United States be authorized and requested to accept grants of money, and cause to be borrowed a sum not exceeding one hundred thousand dollars, at an interest not exceeding six *per cent.*; for the payment of which, and repayment of the principal within twenty years, so much of the duties on imposts and tonnage as may be sufficient, is hereby pledged and appropriated." And the question on this motion being taken by yeas and nays, was decided as follows:—

*Yeas*—Messrs. Bassett, Butler, Carroll, Few, Hawkins, Henry, Johnston, Izard, Langdon, Lee, Maclay, Morris, Read, Stanton, Walker.—15.

*Nays*—Messrs. Dalton, Ellsworth, Elmer, Foster, Johnson, King, Paterson, Schuyler, Strong, Wingate.—10.

It was then moved further to amend the bill, by adding to the clause last agreed to, the following:—

"And be it enacted, that, on the first Monday in December, in the year one thousand eight hundred, the seat of the government of the United States shall, by virtue of this act, be transferred to the district and place aforesaid: and all offices attached to the said seat of government, shall, accordingly, be removed thereto by their respective holders; and shall, after the said day, cease to be exercised elsewhere: and the necessary expense of such removal shall be defrayed out of the duties on imposts and tonnage, of which a sufficient sum is hereby appropriated."

The question on this motion being taken by yeas and nays, it was decided as follows:—

*Yeas*—Messrs. Bassett, Butler, Carroll, Hawkins, Henry, Johnston, Izard, Langdon, Lee, Maclay, Morris, Read, Walker.—13. *S. Journal*, p. 168, 169.

*Nays*—Messrs. Dalton, Ellsworth, Elmer, Few, Foster, Johnson, King, Paterson, Schuyler, Stanton, Strong, Wingate.—12.

The last paragraph of the bill was then taken up for consideration; to wit:—

"And be it further enacted, by the authority aforesaid, that the temporary residence of Congress shall be, and continue in the — till the year —, and no longer."

It was then moved to fill the first blank with the words "city of New York:" and the yeas and nays being taken, the question was decided as follows:—

*Yeas*—Messrs. Butler, Dalton, Ellsworth, Few, Foster, Johnson, Johnston, Izard, King, Paterson, Schuyler, Stanton, Strong.—13.

at Congress.  
d Session.

*Nays*—Messrs. Bassett, Carroll, Elmer, Hawkins, Henry, Langdon, Lee, Maclay, Morris, Read, Walker, Wingate.—12.

Motions to  
mend.

The consideration of the bill having been resumed on the following day, it was moved, to fill the second blank in the paragraph with the words “one thousand eight hundred:” and this question, the yeas and nays being called, was decided as follows:—

*Yeas*—Messrs. Bassett, Carroll, Ellsworth, Foster, Johnson, Johnston, Izard, King, Langdon, Lee, Paterson, Schuyler, Stanton.—13.

*Nays*—Messrs. Butler, Dalton, Elmer, Few, Gunn, Henry, Maclay, Morris, Read, Strong, Walker, Wingate.—12.

The question was then taken on the paragraph, as amended by the filling up of the blanks: and the yeas and nays being taken, it was decided as follows:—

*Yeas*—Messrs. Ellsworth, Foster, Johnson, Johnston, Izard, King, Paterson, Schuyler, Stanton.—9.

*Nays*—Messrs. Bassett, Butler, Carroll, Dalton, Elmer, Few, Gunn, Henry, Langdon, Lee, Maclay, Morris, Read, Strong, Walker, Wingate.—16.

This paragraph having thus been rejected, it was moved to subjoin the following, in lieu of that which had been struck out:—

“And be it enacted, that, prior to the first Monday in December next, all offices attached to the seat of the government of the United States, shall be removed to, and, until the said first Monday in December, in the year one thousand eight hundred, shall remain at the city of Philadelphia, in the state of Pennsylvania: at which place the two houses do hereby resolve, that the session of Congress next ensuing the present shall be held.” S. Journal, P. 170.

And a motion was then made to amend this motion, so as to make the paragraph read as follows:—

“And be it enacted, That Congress shall continue to hold their sessions in the city of New York, until the first Monday in December, in the year one thousand seven hundred and ninety-four; and from and after the said first Monday in December, one thousand seven hundred and ninety-four, Congress shall hold their sessions in the city of Philadelphia, and shall continue there to hold the same, until the first Monday of December, one thousand eight hundred.”

The yeas and nays being called on the last motion, the question was decided as follows:—

*Yeas*—Messrs. Butler, Dalton, Ellsworth, Few, Foster, John-

1st Congress. 2d Session. son, Johnston, Izard, King, Paterson, Schuyler, Stanton, Strong.—13.

Motions to amend. *Nays*—Messrs. Bassett, Carroll, Elmer, Gunn, Hawkins, Henry, Langdon, Lee, Maclay, Morris, Reed, Walker, Wingate.—13.

The numbers being equal, the Vice-President decided the question in the negative.

A further motion was then made to amend the proposed amendment, so as to read as follows:—

“And be it enacted, That Congress shall continue to hold their sessions in the city of New York until the first Monday in December, in the year one thousand seven hundred and ninety-four: and from and after the said first Monday in December, one thousand seven hundred and ninety-four, Congress shall hold their sessions in the town of Baltimore, and shall continue there to hold the same until the first Monday of December, one thousand eight hundred.”

The yeas and nays being called on this question, it was decided as follows:—

*Yeas*—Messrs. Butler, Ellsworth, Few, Foster, Johnson, Johnston, Izard, King, Schuyler, Stanton.—10.

*Nays*—Messrs. Bassett, Carroll, Dalton, Elmer, Gunn, Hawkins, Henry, Langdon, Lee, Maclay, Morris, Paterson, Read, Strong, Walker, Wingate.—16.

It was then moved to amend the proposed amendment, as follows:—

“And be it enacted by the authority aforesaid, That Congress shall continue to hold their sessions in the city of New York, till the first Monday of December, one thousand seven hundred and ninety-two; and from and after that period, to adjourn to the city of Philadelphia, where Congress shall hold their sessions till the first Monday in December, one thousand eight hundred, and no longer.”

The question being taken on this motion, by yeas and nays, it was decided as follows:—

*Yeas*—Messrs. Butler, Dalton, Ellsworth, Few, Foster, Johnson, Johnston, Izard, King, Paterson, Schuyler, Stanton, Strong.—13.

*Nays*—Messrs. Bassett, Carroll, Elmer, Gunn, Hawkins, Henry, Langdon, Lee, Maclay, Morris, Read, Walker, Wingate.—13.

The numbers being equal, the Vice-President decided the question in the negative.

The question was then taken on the original proposition to amend, and the yeas and nays being taken, it was decided as follows:—

1st Congress.  
2d Session.

*Yeas*—Messrs. Bassett, Carroll, Elmer, Gunn, Hawkins, Henry, Langdon, Lee, Maclay, Morris, Read, Walker, Wingate.—13.

Motions to  
amend.

*Nays*—Messrs. Butler, Dalton, Ellsworth, Few, Foster, Johnson, Johnston, Izard, King, Paterson, Schuyler, Stanton, Strong.—13.

The Vice-President being again required to vote, in consequence of the equal division of the Senate, decided this question in the negative.

A motion was then made that the bill receive its third reading, but a subsequent motion to adjourn having been successful, the further consideration of the bill was postponed.

On the 30th of June, the bill was again taken up, and a motion being made to reconsider the last paragraph of the bill, which was yesterday struck out, it was decided in the affirmative. It was then moved to amend the paragraph, to read as follows:—

S. Journal,  
P. 171.

“And be it enacted, That, prior to the first Monday in December next, all offices attached to the seat of the government of the United States, shall be removed to, and, until the said first Monday in December, in the year one thousand eight hundred, shall remain at the city of Philadelphia, in the state of Pennsylvania, at which place the session of Congress, next ensuing the present, shall be held.”

And a motion was then made to amend this motion to read as follows:—

“And be it enacted, That Congress shall continue to hold their sessions in the city of New York, until the first Monday in December, in the year one thousand seven hundred and ninety-four; and, from and after the said first Monday of December, one thousand seven hundred and ninety-four, Congress shall hold their sessions in the city of Philadelphia, and shall continue there to hold the same, until the first Monday of December, one thousand eight hundred.”

This last motion to amend was then negatived. It was then moved, to amend the original proposition so as to read—

Id. p. 172.

“And be it enacted, That Congress shall continue to hold their sessions in the city of New York, until the first Monday in December, one thousand seven hundred and ninety-two; and, from and after the said first Monday of December, one thousand seven hundred and ninety-two, Congress shall hold their sessions in the city of Philadelphia, and shall continue there to hold the same until the first Monday of December, one thousand eight hundred.”

And this motion was also decided in the negative. The ques-

1st Congress.  
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Motions to  
amend.

tion was then taken on the original proposition to amend, and the yeas and nays being called, it was decided as follows:—

*Yeas*—Messrs. Bassett, Butler, Carroll, Elmer, Gunn, Hawkins, Henry, Langdon, Lee, Maclay, Morris, Read, Walker, Wingate.—14.

*Nays*—Messrs. Dalton, Ellsworth, Few, Foster, Johnson, Johnston, Izard, King, Paterson, Schuyler, Stanton, Strong.—12.

Thus, by the accession of Mr. Butler, of South Carolina, to the majority, the vote of the preceding day was reversed.

A successful motion was then made to reconsider the following clause of the bill agreed to on yesterday:—

“And cause to be borrowed a sum not exceeding one hundred thousand dollars, at an interest not exceeding six *per cent.*; for payment of which, and repayment of the principal within twenty years, so much of the duties on imposts and tonnage as may be sufficient, is hereby pledged and appropriated.”

And it was then moved to expunge the whole paragraph. The question being taken by yeas and nays, it was decided as follows:—

*Yeas*—Messrs. Bassett, Carroll, Dalton, Ellsworth, Elmer, Foster, Henry, Johnson, King, Langdon, Lee, Maclay, Morris, Paterson, Read, Schuyler, Strong, Walker, Wingate.—19.

*Nays*—Messrs. Butler, Few, Gunn, Hawkins, Johnston, Izard, Stanton.—7.

The question “Shall the bill pass to the third reading?” was then taken, and, the yeas and nays being called, it was decided as follows:—

*Yeas*—Messrs. Bassett, Butler, Carroll, Elmer, Few, Gunn, Hawkins, Henry, Johnston, Langdon, Lee, Maclay, Morris, Read, Walker, Wingate.—16.

*Nays*—Messrs. Dalton, Ellsworth, Foster, Johnson, Izard, King, Paterson, Schuyler, Stanton, Strong.—10.

Bill ordered  
to be  
engrossed.  
Third  
reading.

The bill was accordingly ordered to be engrossed. And, on *S. Journal*, the following day, the Senate proceeded to the third reading of *P. 173.* the bill, when an unsuccessful motion was made to amend the bill by striking out, in the first clause, the words “between the mouths of the eastern branch and Connogochegue,” for the purpose of inserting the words “within thirty miles of Hancock town.”

Motions to  
amend.

It was then moved to strike out the words from the fifth clause of the bill, “the first Monday of December next,” and to insert, “the first Monday in May next.” The yeas and nays being called on this motion, the question was decided as follows:—

| CHAP. I.                             | Organization of Houses—Rules, &c.  | 1790.                  |
|--------------------------------------|--|------------------------|
| <u>1st Congress.<br/>2d Session.</u> | <p><i>Yeas</i>—Messrs. Butler, Dalton, Ellsworth, Few, Foster, Johnson, Johnston, Izard, King, Paterson, Schuyler, Stanton, Strong.—13.</p> <p><i>Nays</i>—Messrs. Bassett, Carroll, Elmer, Gunn, Hawkins, Henry, Langdon, Lee, Maclay, Morris, Read, Walker, Wingate.—13.</p> <p>The members being equal, the Vice-President recorded his vote in the negative.</p> <p>An unsuccessful motion was then made to restore the clause authorizing a loan of one hundred thousand dollars, &amp;c. And the question on the passage of the bill being taken by yeas and nays, was decided as follows:—</p> <p><i>Yeas</i>—Messrs. Bassett, Butler, Carroll, Elmer, Gunn, Hawkins, Henry, Johnston, Langdon, Lee, Maclay, Morris, Read, Walker.—14.</p> <p><i>Nays</i>—Messrs. Dalton, Ellsworth, Few, Foster, Johnson, Izard, King, Paterson, Schuyler, Stanton, Strong, Wingate.—12.</p> | S. Journal,<br>p. 173. |
| Passage of bill.                     | <p>Title. It was then ordered that the title of the bill be, “An act for establishing the temporary and permanent seat of the government of the United States.”</p>  |                        |
| First and second reading in house.   | <p>On the 2d of July, the bill was received in the House of Representatives, and having received its first and second reading, was committed to a committee of the whole house for the following Tuesday. The committee had the bill under consideration on the 6th, 7th, and 8th of July; and on the last named day, it was reported to the house without amendment. On the 9th, the bill was taken up for consideration, when a motion was made to strike out the words, “Potomac, at some place between the mouths of the eastern branch, and Conogochegue,” and insert the words “Delaware, at a place not more than eight miles above, and sixty miles below the falls thereof.” The question being taken by ayes and noes, it was decided as follows:—</p>   | H. Journal,<br>p. 255. |
| Motions to amend.                    | <p><i>Ayes</i>—Messrs. Ames, Benson, Boudinot, Floyd, Foster, Gerry, Goodhue, Grout, Hathorn, Huntington, Lawrance, Leonard, Livermore, Partridge, Van Rensselaer, Schureman, Sedgwick, Sherman, Silvester, Sturges, Trumbull, Wadsworth.—22.</p> <p><i>Noes</i>—Messrs. Ashe, Baldwin, Bloodworth, Brown, Burke, Cadwalader, Carroll, Clymer, Coles, Coutee, Fitzsimons, Gale, Gilman, Griffin, Hartley, Heister, Jackson, Lee, Madison, jr., Mathews, Moore, Muhlenberg, Page, Parker, Scott, Seney, Sevier, Sinnickson, Smith, of Maryland, Smith, of South Carolina, Steele, Stone, Sumpter, Thatcher, Tucker, Vining, White, Williamson, Wynkoop.—39.</p>   | Id. p. 258.            |
| Ayes and noes.                       |  |                        |

1st Congress.  
2d Session.

Motions to  
amend.

It was then moved to strike out the same words, and insert, in lieu thereof, the words, “in the state of Pennsylvania, including Germantown.” And the question being taken by ayes and noes, it was decided as follows:—

H. Journal,  
P. 259.

*Ayes*—Messrs. Ames, Benson, Boudinot, Floyd, Foster, Gerry, Gilman, Goodhue, Grout, Hathorn, Huntington, Lawrance, Leonard, Livermore, Partridge, Van Rensselaer, Schureman, Sedgwick, Sherman, Silvester, Sturges, Wadsworth.—22.

*Noes*—Messrs. Ashe, Baldwin, Bloodworth, Brown, Burke, Cadwalader, Carroll, Clymer, Coles, Coutee, Fitzsimons, Gale, Griffin, Hartley, Heister, Jackson, Lee, Madison, jr., Mathews, Moore, Muhlenberg, Page, Parker, Scott, Seney, Sevier, Sinnickson, Smith, of Maryland, Smith, of South Carolina, Steele, Stone, Sumpter, Thatcher, Trumbull, Tucker, Vining, White, Williamson, Wynkoop.—39.

A motion was then made to strike out the same words, and insert, in lieu thereof, the words, “between the rivers Susquehannah and Potomac, at the most healthy and convenient place; having due regard to the navigation of the Atlantic Ocean, and the situation of the western territory.”

The question being taken on this motion, it was decided as follows:—

*Ayes*—Messrs. Ames, Benson, Boudinot, Floyd, Foster, Gerry, Goodhue, Grout, Hathorn, Huntington, Lawrance, Leonard, Livermore, Partridge, Van Rensselaer, Schureman, Sedgwick, Seney, Silvester, Smith, of Maryland, Smith, of South Carolina, Sturges, Thatcher, Trumbull, Wadsworth.—25. Id. p. 260.

*Noes*—Messrs. Ashe, Baldwin, Bloodworth, Brown, Burke, Cadwalader, Carroll, Clymer, Coles, Coutee, Fitzsimons, Gale, Gilman, Griffin, Hartley, Heister, Jackson, Lee, Madison, jr., Mathews, Moore, Muhlenberg, Page, Parker, Scott, Sevier, Sherman, Sinnickson, Steele, Stone, Sumpter, Tucker, Vining, White, Williamson, Wynkoop.—36.

Another motion was then made to strike out the same words, and to insert, in lieu thereof, the words, “in the state of Maryland, including the town of Baltimore.” And the question being taken by ayes and noes, on the first branch of the motion, namely, to strike out the words “on the river Potomac,” &c., a division of the question having been demanded, it was decided as follows:—

*Ayes*—Messrs. Ames, Benson, Boudinot, Floyd, Foster, Gerry, Goodhue, Grout, Hathorn, Huntington, Lawrance, Leonard, Livermore, Partridge, Van Rensselaer, Schureman, Sedgwick, Se- Id. p. 260,  
261.

1st Congress.  
2d Session.

ney, Sherman, Silvester, Smith, of Maryland, Smith, of South Carolina, Sturges, Thatcher, Trumbull, Wadsworth.—26.

Motions to  
amend.

*Noes*—Messrs. Ashe, Baldwin, Bloodworth, Brown, Cadwalader, Carroll, Clymer, Coles, Coutee, Fitzsimons, Gale, Gilman, Griffin, Hartley, Heister, Jackson, Lee, Madison, jr., Mathews, Moore, Muhlenberg, Page, Parker, Scott, Sevier, Sinnickson, Steele, Stone, Sumpter, Tucker, Vining, White, Williamson, Wynkoop.—34.

It was then moved to amend the bill by striking out the words “purchase, or;” and the question being taken by ayes and noes, it was decided as follows:—

*Ayes*—Messrs. Ames, Benson, Boudinot, Floyd, Foster, Gerry, Goodhue, Grout, Hathorn, Huntington, Lawrance, Leonard, Livermore, Partridge, Van Rensselaer, Schureman, Sedgwick, Seney, Sherman, Silvester, Smith, of Maryland, Smith, of South Carolina, Sturges, Thatcher, Trumbull, Wadsworth.—26.

*Noes*—Messrs. Ashe, Baldwin, Bloodworth, Brown, Burke, Cadwalader, Carroll, Clymer, Coles, Coutee, Fitzsimons, Gale, Gilman, Griffin, Hartley, Heister, Jackson, Lee, Madison, jr., Mathews, Moore, Muhlenberg, Page, Parker, Scott, Sevier, Sinnickson, Steele, Stone, Sumpter, Tucker, Vining, White, Williamson, Wynkoop.—35.

A motion was then made to amend the bill, by inserting, after the word “purchase,” in the third section, the words “with such money only as may be granted to the President of the United States, in the manner hereinafter provided.” And the question being taken on this motion by ayes and noes, it was decided as follows:—

H. Journal,  
p. 261, 262.

*Ayes*—Messrs. Ames, Benson, Boudinot, Burke, Floyd, Foster, Gerry, Grout, Hathorn, Huntington, Lawrance, Leonard, Livermore, Partridge, Van Rensselaer, Schureman, Sedgwick, Seney, Sherman, Silvester, Smith, of Maryland, Smith, of South Carolina, Sturges, Thatcher, Trumbull, Wadsworth.—26.

*Noes*—Messrs. Ashe, Baldwin, Brown, Cadwalader, Carroll, Clymer, Coles, Coutee, Fitzsimons, Gale, Gilman, Griffin, Hartley, Heister, Jackson, Lee, Madison, jr., Mathews, Moore, Muhlenberg, Page, Parker, Scott, Sevier, Sinnickson, Steele, Stone, Sumpter, Tucker, Vining, White, Williamson, Wynkoop.—33.

It was moved to amend the bill, by adding to the end of the third section the words following:—

“*Provided*, That the purchases and buildings aforesaid shall not exceed the sum of — dollars.”



1st Congress.  
2d Session.

Motions to  
amend.

The question on this motion being taken by ayes and noes, it was decided as follows:—

*Ayes*—Messrs. Ames, Benson, Boudinot, Burke, Floyd, Foster, Gerry, Grout, Hathorn, Huntington, Lawrance, Leonard, Livermore, Van Rensselaer, Schureman, Sedgwick, Seney, Sherman, Silvester, Smith, of Maryland, Smith, of South Carolina, Sturges, Thatcher, Trumbull, Wadsworth.—26.

H. Journal,  
p. 263.

*Noes*—Messrs. Ashe, Brown, Cadwalader, Carroll, Clymer, Coles, Coutee, Fitzsimons, Gale, Gilman, Griffin, Hartley, Heister, Jackson, Lee, Madison, jr., Mathews, Moore, Muhlenberg, Page, Parker, Scott, Sevier, Sinnickson, Steele, Stone, Sumpter, Tucker, Vining, White, Williamson, Wynkoop.—32.

It was then moved to amend the bill, by striking out the fifth section, which reads as follows:—

“And be it enacted, That, prior to the first Monday in December next, all offices attached to the seat of the government of the United States, shall be removed to, and, until the said first Monday in December, in the year one thousand eight hundred, shall remain at the city of Philadelphia, in the state of Pennsylvania; at which place the session of Congress, next ensuing the present, shall be held.”

And the question on this motion being taken by ayes and noes, it was decided as follows:—

*Ayes*—Messrs. Ames, Benson, Bloodworth, Boudinot, Burke, Floyd, Foster, Gerry, Grout, Hathorn, Huntington, Lawrance, Leonard, Livermore, Partridge, Van Rensselaer, Schureman, Sedgwick, Seney, Sherman, Silvester, Smith, of Maryland, Smith, of South Carolina, Sturges, Thatcher, Trumbull, Tucker, Wadsworth.—28.

*Noes*—Messrs. Ashe, Baldwin, Brown, Cadwalader, Carroll, Clymer, Coles, Coutee, Fitzsimons, Gale, Gilman, Goodhue, Griffin, Hartley, Heister, Jackson, Lee, Madison, jr., Mathews, Moore, Muhlenberg, Page, Parker, Scott, Sevier, Sinnickson, Steele, Stone, Sumpter, Vining, White, Williamson, Wynkoop.—33.

It was then moved to amend the bill by striking out, in the fifth section, the words “December next,” and inserting in lieu thereof, the words “May, one thousand seven hundred and ninety-two.” And the question being taken on this motion by ayes and noes, it was decided as follows:—

Id. p. 263,  
264.

*Ayes*—Messrs. Ames, Benson, Bloodworth, Boudinot, Burke, Floyd, Foster, Gerry, Grout, Hathorn, Huntington, Lawrance, Leonard, Livermore, Partridge, Van Rensselaer, Schureman, Sedgwick, Seney, Sherman, Silvester, Smith, of Maryland, Smith

## CHAP. I.

## Organization of Houses—Rules, &amp;c.

1790.

1st Congress.  
2d Session.

of South Carolina, Sturges, Thatcher, Trumbull, Tucker, Wadsworth.—28.

Motions to  
amend.

*Noes*—Messrs. Ashe, Baldwin, Brown, Cadwalader, Carroll, Clymer, Coles, Coutee, Fitzsimons, Gale, Gilman, Griffin, Hartley, Heister, Jackson, Lee, Madison, jr., Mathews, Moore, Muhlenberg, Page, Parker, Scott, Sevier, Sinnickson, Steele, Stone, Sumpter, Vining, White, Williamson, Wynkoop.—32.

It was then moved to strike out the word "December," and insert the word "May." And the question on this motion being taken by ayes and noes, it was decided as follows:—

H. Journal,  
p. 264, 265.

*Ayes*—Messrs. Ames, Benson, Bloodworth, Boudinot, Burke, Floyd, Foster, Gerry, Grout, Hathorn, Huntington, Lawrance, Leonard, Livermore, Partridge, Van Rensselaer, Schureman, Sedgwick, Seney, Sherman, Silvester, Smith, of Maryland, Smith, of South Carolina, Sturges, Thatcher, Trumbull, Tucker, Wadsworth.—28.

*Noes*—Messrs. Ashe, Baldwin, Brown, Cadwalader, Carroll, Clymer, Coles, Coutee, Fitzsimons, Gale, Gilman, Goodhue, Griffin, Hartley, Heister, Jackson, Lee, Madison, jr., Mathews, Moore, Muhlenberg, Page, Parker, Scott, Sevier, Sinnickson, Steele, Stone, Sumpter, Vining, White, Williamson, Wynkoop.—33.

A motion was then made to strike out the words "at which place the session of Congress next ensuing the present shall be held." And the question being taken by ayes and noes, it was decided as follows:—

*Ayes*—Messrs. Ames, Benson, Boudinot, Burke, Floyd, Foster, Gerry, Grout, Hathorn, Huntington, Lawrance, Leonard, Livermore, Partridge, Van Rensselaer, Sedgwick, Seney, Sherman, Silvester, Smith, of Maryland, Smith, of South Carolina, Sturges, Thatcher, Trumbull, Tucker, Wadsworth.—26.

*Noes*—Messrs. Ashe, Baldwin, Bloodworth, Brown, Cadwalader, Carroll, Clymer, Coles, Coutee, Fitzsimons, Gale, Gilman, Griffin, Hartley, Heister, Jackson, Lee, Madison, jr., Mathews, Moore, Muhlenberg, Page, Parker, Scott, Sevier, Sinnickson, Steele, Stone, Sumpter, Vining, White, Williamson, Wynkoop.—33.

It was then moved to amend the bill by adding to the fifth section the following proviso:—

"*Provided, nevertheless,* That whenever the President of the United States shall receive authentic information that the public buildings aforesaid are so far completed as to be fit for the reception of both houses of Congress, all offices attached to the seat of government shall be removed thereto, any thing herein contained to the contrary notwithstanding."

1st Congress.  
2d Session.

And the question on this motion being taken by ayes and noes, it was decided as follows:—

Motions to  
amend.

*Ayes*—Messrs. Benson, Bloodworth, Floyd, Gerry, Grout, Lawrence, Van Rensselaer, Seney, Silvester, Smith, of Maryland, Smith, of South Carolina, Thatcher, Tucker.—13. H. Journal,  
p. 265, 266.

*Noes*—Messrs. Ames, Ashe, Baldwin, Boudinot, Brown, Burke, Cadwalader, Carroll, Clymer, Coles, Coutee, Fitzsimons, Foster, Gale, Gilman, Goodhue, Griffin, Hartley, Hathorn, Heister, Huntington, Jackson, Lee, Leonard, Livermore, Madison, jr., Mathews, Moore, Muhlenberg, Page, Parker, Partridge, Schureman, Scott, Sedgwick, Sevier, Sherman, Sinnickson, Steele, Stone, Sturges, Sumpter, Trumbull, Vining, Wadsworth, White, Williamson, Wynkoop.—48.

Motion as  
to third  
reading.

Motions were then successively made that the bill be read a third time on Monday and to-morrow, both of which were nega- Id. p. 266,  
267.

Passage of  
bill.

tived, as was also a motion to adjourn, and the bill was ordered to receive its third reading now. On the question that the bill do pass, the ayes and noes being taken, it was decided as follows:—

Ayes and  
noes.

*Ayes*—Messrs. Ashe, Baldwin, Bloodworth, Brown, Cadwalader, Carroll, Clymer, Coles, Coutee, Fitzsimons, Gale, Griffin, Hartley, Heister, Jackson, Lee, Madison, jr., Mathews, Moore, Muhlenberg, Page, Parker, Scott, Sevier, Sinnickson, Steele, Stone, Sumpter, Vining, White, Williamson, Wynkoop.—32.

*Noes*—Messrs. Ames, Benson, Boudinot, Burke, Floyd, Foster, Gerry, Gilman, Goodhue, Grout, Hathorn, Huntington, Lawrence, Leonard, Livermore, Partridge, Van Rensselaer, Schureman, Sedgwick, Seney, Sherman, Silvester, Smith, of Maryland, Smith, of South Carolina, Sturges, Thatcher, Trumbull, Tucker, Wadsworth.—29.

President  
approves  
motion to  
repeal.

The approval of the President was notified to the Senate on the 16th of July. A motion was made, on the 7th of August, for leave to bring in a bill to repeal the fifth section of this act, but it proved unsuccessful. S. Journal,  
p. 181.  
Id. p. 204.

House  
committee  
on adjourn-  
ment.

On the 8th of June, the House of Representatives appointed Messrs. Wadsworth, Carroll, and Hartley, a committee to join with such committee as the Senate might appoint, to report a time for the adjournment of the session, such business as might be conveniently postponed, and such as it was important for Congress to act upon. H. Journal,  
p. 235.

Senate  
committee.

The Senate, on the 21st of June, appointed Messrs. Strong, Bassett, and Walker, to be a committee, on their part. S. Journal,  
p. 163.

Report.

On the 28th of June, a report was made to both houses, by this committee, which was laid on the table for consideration. The report was taken up by the House on the 15th of July, and the following resolution was adopted:— Id. p. 166.  
H. Journal,  
p. 251.

| CHAP. I.                                    | Organization of Houses—Rules, &c.   | 1790.                       |
|---|---|-----------------------------|
| 1st Congress.<br>2d Session.<br>Resolution. | “Resolved—That, in the opinion of this house, the business now depending before the two houses may be finished by Tuesday, the 27th instant, and that it will be convenient and proper that an adjournment of the present session of Congress should take place on that day.” | H. Journal,<br>p. 271.      |
| Senate lays on table.                       | On the 16th, the Senate laid this resolution on the table, where it was suffered to remain; and, on the 6th of August, the House  | S. Journal,<br>p. 187.      |
| House fixes another day.                    | passed another resolution, fixing on the 10th, as the day of adjournment. The Senate laid this resolution also on the table.  | H. Journal,<br>p. 291.      |
| Senate lays on table—concurr.               | On the following day, the Senate concurred in this resolution.  | S. Journal,<br>p. 201. 204. |
| Day changed.                                | On the 10th, the Senate repealed this resolution, and fixed on the 12th as the day of adjournment. The House concurring in this resolution, the usual interchange of messages took place, and   | Id. p. 207.                 |
| Vote of thanks to the city of New York.     | on the 12th of August, the Senate having resolved a vote of thanks “to the corporation of the city of New York, for the elegant and convenient accommodations provided for Congress,” the   | Id. p. 209.                 |
| Adjournment.                                | two houses adjourned to meet at Philadelphia, on the first Monday in December next.   |                             |

### THIRD SESSION.

|  |   |                        |
|--|---|------------------------|
| 1st Congress.<br>2d Session.<br>Congress assemble at Philadelphia. | On Monday, the 6th of December, the two houses reassembled at the city of Philadelphia. At this session, the whole of the thirteen states were represented.   | 1790-91.               |
| Quorum in Senate.  | The Senate having assembled, it was ascertained that the Vice-President and thirteen senators, to wit:—Messrs. Langdon, Wingate, Dalton, Ellsworth, King, Maclay, Morris, Bassett, Johnston, Hawkins, Butler, Izard, and Few, all members at the last session, were present. The Senate then received the credentials of Philemon Dickinson, of New Jersey, in the place of Governor Paterson, resigned; and of James Monroe, of Virginia, in the place of William Grayson, deceased. | S. Journal,<br>p. 215. |

On the first day, a quorum of members did not appear in the House; but on Tuesday, the 7th, a sufficient number were present, to wit:—Messrs. Foster, Gilman, Livermore, of New Hampshire; Ames, Goodhue, Thatcher, of Massachusetts; Huntington, Sherman, Sturges, of Connecticut; Benson, Floyd, Lawrance, Silvester, of New York; Boudinot, Cadwalader, Schureman, of New Jersey; Clymer, Fitzsimons, Heister, F. A. Muhlenberg, P. Muh-

1st Congress.  
3d Session.

lenberg, Scott, Wynkoop, of Pennsylvania; Seney, of Maryland; Brown, Griffin, Lee, Madison, jr., of Virginia; Bloodworth, Williamson, of North Carolina; Huger, Smith, of South Carolina; Baldwin, of Georgia. The credentials of William B. Gills, of Virginia, returned in the place of Theodoric Bland, deceased, were received.

Committee  
to inform  
President.

The houses having notified each other that a quorum was present, a joint committee, consisting of Messrs. Langdon and Morris, on the part of the Senate, and Messrs. Boudinot, Lawrance, and Smith, of South Carolina, on the part of the House, was appointed to inform the President that the two houses had assembled. It is worthy of remark, that resolutions appointing this joint committee were passed simultaneously by the two houses. The resolution of the Senate, after embodying the fact that "a quorum of the two houses is assembled," concluded in the following words:—"and will be ready, in the senate chamber, at such time as the President of the United States may appoint, to receive any communications he may be pleased to make." The house disagreed to this resolution: and the Senate concurred in the resolve of the House, which simply announced the fact that

S. Journal,  
p. 216.  
H. Journal,  
p. 330.

Report.

"a quorum is assembled." On the same day, the committee reported that the President "proposed to-morrow, at 12 o'clock, to meet the two houses in the senate chamber."

Id. p. 331,  
332.  
S. Journal,  
p. 216, 217,  
218.

Accordingly, on the following day, the President came to the senate chamber, where the two houses had assembled, and addressed them as follows:—

*"Fellow Citizens of the Senate and House of Representatives:—*

Speech of  
President.

"In meeting you again, I feel much satisfaction in being able to repeat my congratulations on the favourable prospects which continue to distinguish our public affairs. The abundant fruits of another year have blessed our country with plenty, and with the means of a flourishing commerce. The progress of public credit is witnessed by a considerable rise of American stock abroad as well as at home: and the revenues, allotted for this and other national purposes, have been productive beyond the calculations by which they were regulated. This latter circumstance is the more pleasing, as it is not only a proof of the fertility of our resources, but as it assures us of a further increase of the national respectability and credit: and, let me add, as it bears an honourable testimony to the patriotism and integrity of the mercantile and marine part of our citizens. The punctuality of the former, in discharging their engagements, has been exemplary.

## CHAP. I.

## Organization of Houses—Rules, &amp;c.

1790-91.

1st Congress.  
2d Session.Speech of  
President.

“In conforming to the powers vested in me by acts of the last session, a loan of three millions of florins, towards which some provisional measures had previously taken place, has been completed in Holland. As well the celerity with which it has been filled, as the nature of the terms, (considering the more than ordinary demand for borrowing, created by the situation of Europe,) give a reasonable hope that the further execution of these powers may proceed with advantage and success. The secretary of the treasury has my directions to communicate such further particulars as may be requisite for more precise information.

“Since your last session, I have received communications by which it appears that the district of Kentucky, at present a part of Virginia, has concurred in certain propositions contained in a law of that state, in consequence of which, the district is to become a distinct member of the Union, in case the requisite sanction of Congress be added. For this sanction, application is now made. I shall cause the papers, on this very important transaction, to be laid before you. The liberality and harmony with which it has been conducted, will be found to do great honour to both the parties: and the sentiments of warm attachment to the Union and its present government, expressed by our fellow citizens of Kentucky, cannot fail to add an affectionate concern for their particular welfare, to the great national impressions under which you will decide in the case submitted to you.

“It has been heretofore known to Congress, that frequent incursions have been made on our frontier settlements by certain banditti of Indians, from the north-west side of the Ohio. These, with some of the tribes dwelling on, and near, the Wabash, have, of late, been particularly active in their depredations, and, being emboldened by the impunity of their crimes, and aided by such parts of the neighbouring tribes, as could be seduced to join in their hostilities, or afford them a retreat for their prisoners and plunder, they have, instead of listening to the humane invitations and overtures made on the part of the United States, renewed their violences with fresh alacrity and greater effect. The lives of a number of valuable citizens have thus been sacrificed, and some of them under circumstances peculiarly shocking: whilst others have been carried into a deplorable captivity.

“These aggravated provocations rendered it essential to the safety of the western settlements, that the aggressors should be made sensible that the government of the Union is not less ca-

1st Congress.  
3d Session.

Speech of  
President.

pable of punishing their crimes, than it is disposed to respect their rights and reward their attachments. As this object could not be effected by defensive measures, it became necessary to put in force the act which empowers the President to call out the militia, for the protection of the frontiers; and I have, accordingly, authorized an expedition, in which the regular troops in that quarter are combined with such draughts of militia as were deemed sufficient: the event of the measure is yet unknown to me. The secretary of war is directed to lay before you a statement of the information on which it is founded, as well as an estimate of the expense with which it will be attended.

“The disturbed situation of Europe, and particularly the critical posture of the great maritime powers, whilst it ought to make us the more thankful for the general peace and security enjoyed by the United States, reminds us, at the same time, of the circumspection with which it becomes us to preserve these blessings. It requires, also, that we should not overlook the tendency of a war, and even preparations for a war, among the nations most concerned in active commerce with this country, to abridge the means, and thereby at least enhance the price of transporting its valuable productions to their proper markets. I recommend it to your serious reflections, how far and in what mode it may be expedient to guard against embarrassments from these contingencies, by such encouragements to our own navigation as will render our commerce and agriculture less dependent on foreign bottoms, which may fail us in the very moments most interesting to both of these great objects. Our fisheries, and the transportation of our own produce, offer us abundant means for guarding ourselves against this evil.

“Your attention seems to be not less due to that particular branch of our trade which belongs to the Mediterranean. So many circumstances unite in rendering the present state of it distressful to us, that you will not think any deliberations misemployed, which may lead to its relief and protection.

“The laws you have already passed, for the establishment of a judiciary system, have opened the doors of justice to all descriptions of persons. You will consider, in your wisdom, whether improvements in that system may yet be made; and, particularly, whether a uniform process of executions or sentences, issuing from the federal courts, be not desirable through all the states.

“The patronage of our commerce, of our merchants and seamen, has called for the appointment of consuls in foreign coun-

## CHAP. I.

## Organization of Houses—Rules, &amp;c.

1790-91.

1st Congress.  
3d Session.Speech of  
President.

tries. It seems expedient to regulate by law the exercise of that jurisdiction, and those functions which are permitted them, either by express convention, or by a friendly indulgence, in the places of their residence. The consular convention, too, with His Most Christian Majesty, has stipulated, in certain cases, the aid of the national authority to his consuls established here. Some legislative provision is requisite to carry these stipulations into full effect.

“The establishment of the militia, of a mint, of standards of weights and measures, of the post office and post roads, are subjects which, I presume, you will resume of course, and which are abundantly urged by their own importance.

“*Gentlemen of the House of Representatives:—*

“The sufficiency of the revenues you have established for the objects to which they are appropriated, leaves no doubt that the residuary provisions will be commensurate to the other objects for which the public faith stands now pledged. Allow me, moreover, to hope that it will be a favourite policy with you not merely to secure a payment of the interest of the debt funded; but, as far and as fast as the growing resources of the country will permit, to exonerate it of the principal itself. The appropriation you have made of the western lands explains your dispositions on this subject; and I am persuaded the sooner that valuable fund can be made to contribute, along with other means, to the actual reduction of the public debt, the more salutary will the measure be to every public interest, as well as the more satisfactory to our constituents.

“*Gentlemen of the Senate and House of Representatives:—*

“In pursuing the various and weighty business of the present session, I indulge the fullest persuasion that your consultations will be equally marked with wisdom, and animated by the love of your country. In whatever belongs to my duty, you shall have all the co-operation which an undiminished zeal for its welfare can inspire. It will be happy for us both, and our best reward, if, by a successful administration of our respective trusts, we can make the established government more and more instrumental in promoting the good of our fellow citizens, and more and more the object of their attachment and confidence.

“G. WASHINGTON.

“*United States, December 8th, 1790.*”

Prepara-  
tion and  
presenta-

Messrs. Ellsworth, King, and Izard, were appointed a committee of the Senate, to prepare an address to the President, in an-

S. Journal,  
p. 218, 220,  
221.



1st Congress.  
3d Session.

tion of the  
answer of  
the Senate.

swer to his speech. The report of the committee was made on the 10th of December, and was amended. The President having appointed Monday, the 13th, to receive the address, it was, on that day, communicated to him by the Vice-President, in the presence of the Senate, as follows:—

*“ To the President of the United States of America :—*

Answer of  
Senate.

“ We receive, sir, with particular satisfaction, the communications contained in your speech, which confirm to us the progressive state of the public credit, and afford, at the same time, a new proof of the solidity of the foundation on which it rests; and we cheerfully join in the acknowledgment which is due to the probity and patriotism of the mercantile and marine part of our fellow citizens, whose enlightened attachment to the principles of good government is not less conspicuous in this, than it has been in other important respects.

“ In confidence that every constitutional preliminary has been observed, we assure you of our disposition to concur in giving the requisite sanction to the admission of Kentucky, as a distinct member of the Union; in doing which, we shall anticipate the happy effects to be expected from the sentiments of attachment towards the Union, and its present government, which have been expressed by the patriotic inhabitants of that district.

“ While we regret that the continuance and increase of the hostilities and depredations which have distressed our north-western frontiers, should have rendered offensive measures necessary, we feel an entire confidence in the sufficiency of the motives which have produced them, and in the wisdom of the dispositions which have been concerted, in pursuance of the powers vested in you: and whatever may have been the event, we shall cheerfully concur in the provisions which the expedition that has been undertaken, may require on the part of the legislature, and on any other which the future peace and safety of our frontier settlements may call for.

“ The critical posture of the European powers will engage a due portion of our attention, and we shall be ready to adopt any measures, which a prudent circumspection may suggest, for the preservation of the blessings of peace. The navigation, and the fisheries of the United States, are objects too interesting not to inspire a disposition to promote them, by all the means which shall appear to us consistent with their natural progress and permanent prosperity.

“ Impressed with the importance of a free intercourse with the

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Mediterranean, we shall not think any deliberations misemployed, which may conduce to the adoption of proper measures for removing the impediments that obstruct it.

Answer of  
Senate.

“The improvement of the judiciary system, and the other important objects to which you have pointed our attention, will not fail to engage the consideration they respectively merit.

“In the course of our deliberations, upon every subject, we shall rely upon that co-operation which an undiminished zeal, and incessant anxiety for the public welfare, on your part, so thoroughly ensure; and, as it is our anxious desire, so it shall be our constant endeavour, to render the established government more and more instrumental in promoting the good of our fellow citizens, and more and more the object of their attachment and confidence.”

The President of the United States was pleased to make the following reply:—

Reply of  
President.

“*Gentlemen*: These assurances of favourable attention to the subjects I have recommended, and of entire confidence in my views, make the impression on me which I ought to feel. I thank you for them both, and shall continue to rely much for the success of all our measures for the public good, on the aid they will receive from the wisdom and integrity of your councils.

S. Journal,  
p. 221.

“G. WASHINGTON.”

Committee.

House resolves to  
present address.

Messrs. Madison, Ames, and Tucker, were, on the 9th, appointed a committee of the House of Representatives, to carry into effect a resolution adopted by the house, “that an address ought to be prepared by the house, to the President of the United States, in answer to his speech to both houses, with assurances that this house will, without delay, proceed to take into their serious consideration the various and important matters recommended to their attention.”

H. Journal,  
p. 333.

The committee presented the draft of an address to the house, on the 10th; and the house, on the following day, adopted the same. The President having appointed to receive the address on Monday, the 13th, the speaker, attended by the house, repaired, on that day, to the house of the President, and presented to him the address, as follows:—

Address  
presented.

“Sir—The representatives of the people of the United States have taken into consideration your address to the two houses, at the opening of the present session of Congress.

Id. p. 334,  
335.

“We share in the satisfaction inspired by the prospects which

1st Congress.  
3d Session.

Address  
of House.

continue to be so auspicious to our public affairs. The blessings resulting from the smiles of Heaven on our agriculture, the rise of public credit, with the further advantages promised by it; and the fertility of resources which are found so little burdensome to the community, fully authorize our mutual congratulations on the present occasion. Nor can we learn, without an additional gratification, that the energy of the laws for providing adequate resources, has been so honourably seconded by those classes of citizens, whose patriotism and probity were more immediately concerned.

“The success of the loan opened in Holland, under the disadvantages of the present moment, is the more important, as it not only denotes the confidence already placed in the United States, but, as the effect of a judicious application of that aid, will still further illustrate the solidity of the foundation on which the public credit rests.

“The preparatory steps taken by the state of Virginia, in concert with the district of Kentucky, towards the erection of the latter into a distinct member of the Union, exhibit a liberality mutually honourable to the parties. We shall bestow on this important subject the favourable consideration which it merits; and, with the national policy which ought to govern our decision, shall not fail to mingle the affectionate sentiments which are awakened by those expressed in behalf of our fellow citizens of Kentucky.

“Whilst we regret the necessity which has produced offensive hostilities against some of the Indian tribes north-west of the Ohio, we sympathize too much with our western brethren, not to behold with approbation the watchfulness and vigour which have been exerted by the executive authority for their protection; and which, we trust, will make the aggressors sensible that it is their interest to merit, by a peaceable behaviour, the friendship and humanity which the United States are always ready to extend to them.

“The encouragement of our own navigation has, at all times, appeared to us highly important. The point of view under which you have recommended it to us, is strongly enforced by the actual state of things in Europe. It will be incumbent on us to consider in what mode our commerce and agriculture can be best relieved from an injurious dependence on the navigation of other nations, which the frequency of their wars renders a too precarious resource for conveying the productions of our country to market.

1st Congress  
2d Session.

Address of  
House.

"The present state of our trade to the Mediterranean seems not less to demand, and will accordingly receive, the attention which you have recommended.

"Having already concurred in establishing a judiciary system, which opens the doors of justice to all, without distinction of persons, it will be our disposition to incorporate every improvement which experience may suggest. And we shall consider, in particular, how far the uniformity, which, in other cases, is found convenient in the administration of the general government through all the states, may be introduced into the forms and rules of executing sentences issuing from the federal courts.

"The proper regulation of the jurisdiction and functions which may be exercised by consuls of the United States in foreign countries, with the provisions stipulated to those of His Most Christian Majesty established here, are subjects of too much consequence to the public interest and honour not to partake of our deliberations.

"We shall renew our attention to the establishment of the militia, and the other subjects unfinished at the last session, and shall proceed in them with all the despatch which the magnitude of all, and the difficulty of some of them will allow.

"Nothing has given us more satisfaction, than to find that the revenues heretofore established have proved adequate to the purposes to which they were allotted. In extending the provision to the residuary objects, it will be equally our care to secure sufficiency and punctuality in the payments due from the treasury of the United States. We shall, also, never lose sight of the policy of diminishing the public debt as fast as the increase of the public resources will permit: and are particularly sensible of the many considerations which press a resort to the auxiliary resource furnished by the public lands.

"In pursuing every branch of the weighty business of the present session, it will be our constant study to direct our deliberations to the public welfare. Whatever our success may be, we can, at least, answer for the present love of our country, which ought to animate our endeavours. In your co-operation we are sure of a resource, which fortifies our hopes that the fruits of the established government will justify the confidence which has been placed in it, and recommend it more and more to the affection and attachment of our fellow citizens."

To which address the President of the United States was pleased to reply as follows:—

1st Congress.  
3d Session.

Reply of  
President.

*"Gentlemen:* The sentiments expressed in your address are entitled to my particular acknowledgment. H. Jo p. 33

"Having no object but the good of our country, this testimony of approbation and confidence from its immediate representatives must be among my best rewards, as the support of your enlightened patriotism has been among my greatest encouragements. Being persuaded that you will continue to be actuated by the same auspicious principle, I look forward to the happiest consequences from your deliberations during the present session.

"G. WASHINGTON."

Court-  
House of-  
fered to Se-  
nate and  
House.

On the 6th of December, a letter from Messrs. Evan Thomas and Andrew Geyer, in behalf of the commissioners of the city and county of Philadelphia, was presented, by Mr. Morris, to the Senate, offering "the county court-house, in Philadelphia, to the representatives of the Union, for their accommodation during their residence in the city of Philadelphia:" and, on the following day, the Senate ordered the following reply to be addressed to the commissioners:— S. Jo p. 216  
219.

Answer of  
Senate.

*"Gentlemen:* The Senate have considered the letter that you were pleased to address to the Senate and the House of Representatives, on the 6th instant, and they entertain a proper sense of the respect shown to the general government of the United States, by providing so commodious a building as the commissioners of the city and county of Philadelphia have appropriated for the accommodation of the representatives of the Union, during their residence in this city.

"I have the honour to be,

"Your most humble servant,

"JOHN ADAMS,

*"Vice-President of the United States,  
and President of the Senate.*

*"To the Commissioners of the City }  
and County of Philadelphia."* }

A similar communication from the commissioners was made to the House of Representatives, on the 11th of December. H. Jo p. 33

Philadel-  
phia Libra-  
ry opened  
to Con-  
gress.

On the 19th of January, a resolution of the directors of the library of Philadelphia was communicated to the Senate, providing "that the President, and members of the Senate and House of Representatives of the United States, shall have free use of the books in the library, in as full and ample a manner as if they were members of the company." S. Jo p. 23

| CHAP. I.                         | Organization of Houses—Rules, &c.  | 1790–91.  |
|----------------------------------|--|---|
| 1st Congress.<br>2d Session.     | <p>Pursuant to a joint resolution, adopted by the House on the 8th of December, and by the Senate on the 9th, the Right Reverend Bishop White was elected on the last mentioned day, to be chaplain of the Senate; and, on the 10th, the Reverend Mr. Blair was elected chaplain of the House.</p> <p>The usual supply of newspapers to each member was ordered by a resolution of the House of December 9th, and a resolution of the Senate of December 13th.</p> <p>A motion was made in the Senate, on the 20th of January,—</p> <p>“That the secretary furnish any member of the Senate with such extracts from the executive Journal, as he may direct.” On the 21st, the Senate amended the resolution, so as to read,</p> <p>“<i>Resolved</i>—That the secretary do furnish the members of Senate, when required, with extracts of such parts of the executive Journal as are not, by vote of the Senate, considered secret.”</p> <p>And this motion was committed to Messrs. Ellsworth, Gunn, and King. The Senate then agreed to the following order:—</p> <p>“<i>Ordered</i>—That the secretary do furnish Mr. Gunn with an attested copy of sundry extracts from the records of Senate, when acting in their executive capacity.”</p> <p>Agreeably to notice, which he had given on the preceding day, Mr. Monroe, on the 24th of February, moved that the Senate agree to the following resolutions:—</p> <p>“<i>Resolved</i>—That it be a standing rule, that the doors of the senate chamber remain open whilst the Senate shall be sitting in a legislative capacity, except on such occasions as, in their judgment, may require secrecy; and that this rule shall commence and be in force on the first day of the next session of Congress.</p> <p>“<i>Resolved</i>—That the secretary of the Senate request the commissioners of the city and county of Philadelphia, to cause a proper gallery to be erected for the accommodation of an audience.”</p> <p>This motion led to a debate, which continued till the hour of adjournment, and was resumed on the following day, when the question being taken by yeas and nays, it was decided as follows:—</p> <p><i>Yeas</i>—Messrs. Butler, Foster, Gunn, Hawkins, King, Lee, Maclay, Monroe, Schuyler.—9.</p> <p><i>Nays</i>—Messrs. Bassett, Carroll, Dalton, Dickinson, Ellsworth, Elmer, Few, Henry, Johnson, Johnston, Izard, Langdon, Morris, Read, Stanton, Strong, Wingate.—17.</p> | <p>S. Journal, p. 219.<br/>H. Journal, p. 332, 334.<br/>Id. p. 333.<br/>S. Journal, p. 221.<br/>Id. p. 234, 235.<br/>Id. p. 280, 281–287.</p> |
| Extracts from Executive Journal. |  |   |
| Motion to open Senate doors.     |  |   |
| Negatived.                       |  |   |

## CHAP. I.

## Organization of Houses—Rules, &amp;c.

1790-91.

1st Congress.  
3d Session.Senate  
committee  
to revise  
laws.

Report.

On the 1st of March, the Senate appointed Messrs. Schuyler, Ellsworth, and Butler, a committee to revise the laws of the United States, to report such as are expired, or are about to expire, and a bill, or bills, for the revival of such as may be deemed necessary. The only report made by this committee, was on the 2d of March, when Mr. Schuyler reported a bill to continue in force the act therein mentioned, and to make further provision for the payment of pensions to invalids, and for the support of light-houses, beacons, buoys, and public piers."

S. Journal,  
p. 294.

Id. p. 296.

On the 12th of January, the House of Representatives adopted the following order:—

House re-  
scinds  
rules.

"Ordered—That so much of the standing rules and orders of this house, as directs that 'no bill amended by the Senate shall be committed,' be rescinded."

H. Journal,  
p. 353.Seat of go-  
vernment.

On the 24th of January, the following message was received from the President of the United States:—

S. Journal,  
p. 235, 236.

*"Gentlemen of the Senate and House of Representatives:—*

Message of  
President.

"In execution of the powers with which Congress were pleased to invest me, by their act, entitled "An act for establishing the temporary and permanent seat of government of the United States," and, on mature consideration of the advantages and disadvantages of the several positions within the limits prescribed by the said act, I have, by a proclamation bearing date this day, (a copy of which is herewith transmitted,) directed commissioners, appointed in pursuance of the act, to survey and limit a part of the territory of ten miles square, on both sides of the river Potomac, so as to comprehend George Town, in Maryland, and extend to the eastern branch.

H. Journal  
p. 360, 361S. Journal,  
p. 235, 236.

"I have not, by this first act, given to the said territory the whole extent of which it is susceptible in the direction of the river, because I thought it important that Congress should have an opportunity of considering, whether by an amendatory law they would authorize the location of the residue, at the lower end of the present, so as to comprehend the eastern branch itself, and some of the country on its lower side, in the state of Maryland, and the town of Alexandria, in Virginia. If, however, they are of opinion, that the federal territory should be bounded by the water edge of the eastern branch, the location of the residue will be to be made at the upper end of what is now directed.

"I have thought best to await a survey of the territory, before

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Organization of Houses—Rules, &amp;c.

1790-91.

1st Congress.  
3d Session.

it is decided on what particular spot, on the north-eastern side of the river, the public buildings shall be erected.

“G. WASHINGTON.

“*United States, January 24, 1791.*”

Bill in conformity to message.

On the 16th of February, Mr. Carroll gave notice to the Senate that he would, on the morrow, move for leave to bring in a bill to amend the act, entitled “An act for establishing the temporary and permanent seat of the government of the United States,” pursuant to the plan suggested in the President’s message of the 24th of January. And, on the following day, Mr. Carroll requested the leave. On this question, the yeas and nays being taken, it was decided as follows:—

S. Journal,  
p. 269—  
272.

*Yeas*—Messrs. Butler, Carroll, Dickinson, Elmer, Few, Gunn, Hawkins, Henry, Johnston, Izard, Langdon, Lee, Monroe, Morris, Read, Stanton, Strong.—17.

*Nays*—Messrs. Dalton, Ellsworth, Foster, Johnson, King, Maclay, Wingate.—7.

First reading.

The bill was then read a first time. On the following day, the second reading being moved, a motion was made to postpone the consideration thereof to this day se’nnight. And the question being taken by yeas and nays, it was decided as follows:—

Id. p. 273,  
274.

Second reading postponed.

*Yeas*—Messrs. Dalton, Dickinson, Ellsworth, Elmer, Foster, Johnson, King, Langdon, Maclay, Morris, Read, Schuyler, Stanton, Strong, Wingate.—15.

*Nays*—Messrs. Butler, Carroll, Few, Gunn, Hawkins, Henry, Johnston, Izard, Lee, Monroe.—10.

The question on the second reading of this bill was resumed by the Senate on the 25th of February, when a motion was made to postpone the consideration of the subject; and the question on this motion being taken by yeas and nays, it was decided as follows:—

Id. p. 287,  
288.

*Yeas*—Messrs. Bassett, Dalton, Dickinson, Ellsworth, Elmer, Foster, Johnson, King, Maclay, Stanton, Strong, Wingate.—12.

*Nays*—Messrs. Butler, Carroll, Few, Gunn, Hawkins, Henry, Johnston, Izard, Langdon, Lee, Monroe, Morris, Read, Schuyler.—14.

On motion that the first clause of the bill be agreed to, to wit: from line first to the word “provided,” line fourteenth, the question, being taken by yeas and nays, was decided as follows:—

*Yeas*—Messrs. Butler, Carroll, Few, Gunn, Hawkins, Henry, Johnston, Izard, Langdon, Lee, Monroe, Morris, Read, Schuyler.—14.



## CHAP. I.

## Organization of Houses—Rules, &amp;c.

1791

1st Congress.  
3d Session.Ordered to  
third read-  
ing.

Passed.

Bill in  
house.

*Nays*—Messrs. Bassett, Dalton, Dickinson, Ellsworth, Elmer, Foster, Johnson, King, Maclay, Stanton, Strong, Wingate.—12.

The bill was then ordered to its third reading. And on the following day, the bill passed the Senate. In the House of Representatives, this bill was read a first time on the same day. On the 28th, it received its second reading; and on the 1st of March, it was read a third time: and on the question of its passage, the yeas and nays being taken, it was decided as follows:—

*Ayes*—Messrs. Ashe, Baldwin, Bloodworth, Brown, Burke, Cadwalader, Carroll, Clymer, Coutee, Fitzsimons, Gale, Gerry, Griffin, Giles, Hathorn, Jackson, Lawrance, Lee, Madison, jr., Matthews, Moore, Parker, Schureman, Scott, Sherman, Silvester, Sinnickson, Smith, of Maryland, Smith, of South Carolina, Steele, Stone, Sumpter, Trumbull, Tucker, Vining, Wadsworth, White, Williamson, Wynkoop.—39.

*Noes*—Messrs. Ames, Benson, Boudinot, Floyd, Foster, Gilman, Grout, Hartley, Huntington, Leonard, Livermore, Muhlenberg, Partridge, Van Rensselaer, Sedgwick, Seney, Sturges, Thatcher.—18.

Committee  
concerning  
next meet-  
ing of Con-  
gress.

On the 20th of January, the House of Representatives appointed Messrs. Tucker, Lee, and Partridge, a committee, on their part, to consider what time will be proper for the commencement of the next Congress, to the end that timely notice may be given to the members who are to serve for the ensuing two years. And on the following day, Messrs. Strong, Izard, and Ellsworth, were appointed a committee on the part of the Senate. A report was made by this committee on the 25th. On the 28th, the report was considered by the House of Representatives, and the following resolution and order were adopted:—

*Resolved*—That this house doth agree to the said report, in the words following, to wit:—

Resolution  
passed by  
the house.

“That it is the opinion of the joint committee that a revenue bill may be passed, and such other business, as is of immediate importance, accomplished before the fourth day of March next, and that it will, therefore, not be necessary that the new session should commence immediately thereafter.

“That the joint committee are also of opinion that a bill should pass to alter the next annual meeting of Congress to an earlier day than that expressed in the Constitution.

*Ordered*—That a bill or bills be brought, pursuant to the said report, and that Mr. Tucker, Mr. Lee, and Mr. Partridge, do prepare and bring in the same.”

S. Jo  
p. 28H. Jo  
p. 39Id. p  
398.Id. p  
363.S. Jo  
p. 235

| CHAP. I.                            | Organisation of Houses—Rules, &c.   | 1790-91.  |
|-------------------------------------|---|---|
| 1st Congress.<br>2d Session.        | The Senate, on the 31st, postponed the consideration of this resolution. It was again postponed on the 12th of February, and again on the 19th. In the mean time, on the 8th of February, a bill was reported to alter the time of the next meeting of Congress, which received, in the House of Representatives, its first and second reading, on that day, and passed the House on the 11th of February. This bill, which fixed the time for the next meeting of Congress on the first Monday of November, received its first reading in the Senate, on the same day, and was read a second time on the following day. On the 19th of February, the bill was again taken up and postponed. On the 22d of February, the consideration of the bill was resumed; and, after an unsuccessful motion to amend it, by substituting "the second Monday in September," in place of "the first Monday of November," the bill itself, on the question of its third reading, was rejected. | S. Journal,<br>p. 237. 262.<br>Id. p. 274.<br>H. Journal,<br>p. 371. 375.<br>S. Journal,<br>p. 262, 263.<br>Id. p. 274.<br>278. |
| Senate<br>postpones.                |   |   |
| Bill passed<br>by house.            |   |   |
| Rejected<br>by Senate.              |   |   |
| New bill<br>reported<br>and passed. | On the rejection of this bill, the House of Representatives appointed another committee, consisting of Messrs. Smith, of South Carolina, Lawrance, and Van Rensselaer, to prepare and bring in a new bill or bills, fixing the time for the next annual meeting of Congress. This bill was reported, read the first and second time, and ordered to be engrossed, on the same day; and, on the 24th of February, this bill passed the House, and was sent to the Senate. By the new bill, the day fixed for the meeting of the next Congress, was the fourth Monday of October. The bill was read a first time in the Senate, on the same day. On the following day, a motion was made to substitute "the first Monday of April," for "the fourth Monday of October," but it was negatived. The bill was then ordered to its third reading, and was passed on the 26th of February.   | H. Journal,<br>p. 388.<br>S. Journal,<br>p. 281, 282.<br>Id. p. 289.  |
| Adjourn-<br>ed.                     | And on the 3d of March, after the usual interchange of messages, the two houses adjourned, <i>sine die</i> .  | Id. p. 314.<br>H. Journal,<br>p. 409.   |

## SECOND CONGRESS.

### FIRST SESSION.

**Houses met at Philadelphia.** ON Monday, the 24th day of October, the two houses assembled at Philadelphia, on which day a quorum attended, both in the Senate and House of Representatives. S. Jo p. 32

**Senators present.** In the Senate were present the Vice-President; Messrs. Langdon, Wingate, of New Hampshire; Strong, of Massachusetts; Foster, Stanton, jr., of Rhode Island; Dickinson, of New Jersey; Morris, of Pennsylvania; Read, of Delaware; Johnston, Hawkins, of North Carolina; Butler, Izard, of South Carolina; and Few, of Georgia. H. Jo p. 43

And the following newly appointed senators produced their credentials, and took the oath and their seats; to wit: George Cabot, from Massachusetts; Roger Sherman, (*vice* W. S. Johnson, resigned,) from Connecticut; Aaron Burr, from New York; and John Rutherford, from New Jersey. S. Jo p. 32

**Representatives present.** The following members, constituting a quorum, were found to be present: Messrs. Gilman, Livermore, Smith, of New Hampshire; Ames, Bourne, Gerry, Goodhue, Thatcher, Ward, of Massachusetts; Bourne, of Rhode Island; Hillhouse, Sturges, Trumbull, Wadsworth, Learned, of Connecticut; Gordon, Lawrance, Silvester, Tredwell, of New York; Boudinot, of New Jersey; Fitzsimons, Heister, Muhlenberg, of Pennsylvania; Vining, of Delaware; Seney, Sterrett, of Maryland; Brown, Giles, Griffin, Madison, Moore, White, of Virginia; Steele, Williamson, of North Carolina; Huger, Smith, Tucker, of South Carolina; and Willis, of Georgia. H. Jo p. 433

**Election of speaker.** The first act of the House was the election of a speaker; and a majority of the votes of the whole House being in favour of Jonathan Trumbull, he was conducted to the chair, from whence he addressed the House as follows:— Id. p.

**Speaker's address.** “*Gentlemen*.—I find myself unable to express to you the full sense I have of the distinguished honour you have done me in the choice of your speaker.

“The diffidence I feel in my abilities to discharge with propriety the duties of the chair, is almost insuperable in my own mind. But, encouraged by the known candour of this honoura-

## CHAP. I.

## Organization of Houses—Rules, &amp;c.

1791-02.

2d Congress.  
1st Session.

ble body, and depending, as I think I may confidently do, on the kind assistance of each individual in it, I shall enter on its duties with full assurances to you, gentlemen, that I shall endeavour to conduct myself with that impartiality, integrity, and assiduity, which become the conspicuous station in which you have been pleased to place me."

Members  
sworn.

The members and clerk were then sworn, John Beckley H. Journal, p. 434, 435.

Commit-  
tees.

"that the speaker do appoint committees, until the house shall otherwise determine." A committee, consisting of Messrs.

Election of  
officers.

Muhlenberg, Tucker, Williamson, Ames, and Smith, of New Hampshire, was appointed "to prepare and report such standing rules and orders of proceeding as may be proper to be observed in this house." Joseph Wheaton was then appointed sergeant-at-arms; Gifford Dalley, door-keeper; and Thomas Claxton, assistant door-keeper. A resolution to appoint chaplains was adopted; the usual order relative to newspapers was agreed to, and the customary message was sent to the Senate. A committee, consisting of Mr. Smith, of South Carolina, Mr. Lawrance, and Mr.

Messages  
interchan-  
ged.

White, on the part of the house, and Messrs. Izard and Langdon on the part of the Senate, was appointed "to wait on the President of the United States, and notify him that a quorum

Committee  
to wait on  
President.

of the two houses is assembled, and ready to receive any communications he may think proper to make to them." Previously to the appointment of this joint committee, the Senate had appointed their own committee, consisting of Messrs. Butler, Morris, and Dickinson, "to wait on the President of the United States, and inform him that a quorum of the Senate is assembled, agreeably to the Constitution, and ready to receive such communications as he may be pleased to make to them." The joint

Report.

committee reported that the President would make a communication to both houses, on the morrow, at 12 o'clock.

Chaplains.

The Senate having concurred in the resolution to appoint chaplains, elected the Right Reverend Bishop White; and on the 25th the House elected the Reverend Mr. Blair. Id. p. 324. H. Journal, p. 435.

On Tuesday, the 25th of October, the speaker and House repaired to the Senate chamber, where the President delivered to both houses the following address:— S. Journal, p. 324, 325, 326, 327.

*"Fellow Citizens of the Senate, and of the House of Representatives:—*

Speech of  
President.

"I meet you upon the present occasion with the feelings which are naturally inspired by a strong impression of the pros- H. Journal, p. 435, 436, 437, 438.

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Speech of  
President.

perous situation of our common country; and by a persuasion, equally strong, that the labours of the session which has just commenced, will, under the guidance of a spirit no less prudent than patriotic, issue in measures conducive to the stability and increase of national prosperity.

“Numerous as are the providential blessings which demand our grateful acknowledgments, the abundance with which another year has again rewarded the industry of the husbandman is too important to escape recollection.

“Your own observations in your respective situations will have satisfied you of the progressive state of agriculture, manufactures, commerce, and navigation. In tracing their causes, you will have remarked, with particular pleasure, the happy effects of that revival of confidence, public as well as private, to which the Constitution and laws of the United States have so eminently contributed; and you will have observed, with no less interest, new and decisive proofs of the increasing reputation and credit of the nation. But you, nevertheless, cannot fail to derive satisfaction from the confirmation of these circumstances, which will be disclosed in the several official communications that will be made to you in the course of your deliberations.

“The rapid subscriptions to the bank of the United States, which completed the sum allowed to be subscribed in a single day, is among the striking and pleasing evidences which present themselves, not only of confidence in the government, but of resource in the community.

“In the interval of your recess, due attention has been paid to the execution of the different objects which were specially provided for by the laws and resolutions of the last session.”

“Among the most important of these is the defence and security of the western frontiers. To accomplish it on the most humane principles was a primary wish.

“Accordingly, at the same time that treaties have been provisionally concluded, and other proper means used to attach the wavering, and to confirm in their friendship the well disposed tribes of Indians, effectual measures have been adopted to make those of a hostile description sensible, that a pacification was desired upon terms of moderation and justice.

“These measures having proved unsuccessful, it became necessary to convince the refractory of the power of the United States to punish their depredations. Offensive operations have, therefore, been directed to be conducted, however, as consistently as possible with the dictates of humanity. Some of these

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President.

have been crowned with full success, and others are yet depending. The expeditions which have been completed, were carried on under the authority, and at the expense of the United States, by the militia of Kentucky, whose enterprise, intrepidity, and good conduct, are entitled to peculiar commendation.

“Overtures of peace are still continued to the deluded tribes, and considerable numbers of individuals belonging to them have lately renounced all further opposition, removed from their former situations, and placed themselves under the immediate protection of the United States.

“It is sincerely to be desired, that all need of coercion in future may cease, and that an intimate intercourse may succeed, calculated to advance the happiness of the Indians, and to attach them firmly to the United States.

“In order to this, it seems necessary—

“That they should experience the benefits of an impartial dispensation of justice.

“That the mode of alienating their lands, the main source of discontent and war, should be so defined and regulated, as to obviate imposition, and, as far as may be practicable, controversies concerning the reality and extent of the alienations which are made.

“That commerce with them should be promoted under regulations tending to secure an equitable deportment towards them, and that such rational experiments should be made, for imparting to them the blessings of civilization, as may, from time to time, suit their condition.

“That the executive of the United States should be enabled to employ the means to which the Indians have been long accustomed, for uniting their immediate interests with the preservation of peace.

“And that efficacious provision should be made for inflicting adequate penalties upon all those, who, by violating their rights, shall infringe the treaties and endanger the peace of the Union.

“A system corresponding with the mild principles of religion and philanthropy towards an unenlightened race of men, whose happiness materially depends on the conduct of the United States, would be as honourable to the national character as conformable to the dictates of sound policy.

“The power specially vested in me by the act laying certain duties on distilled spirits, which respect the subdivisions of the districts into surveys, the appointment of officers, and the assignment of compensations, have likewise been carried into effect. In a matter in which both materials and experience were want-

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Speech of  
President.

ing to guide the calculation, it will be readily conceived, that there must have been difficulty in such an adjustment of the rates of compensation as would conciliate a reasonable competency with a proper regard to the limits prescribed by the law. It is hoped that the circumspection which has been used will be found, in the result, to have secured the last of the two objects; but it is probable, that, with a view to the first, in some instances a revision of the provision will be found advisable.

“The impressions with which this law has been received by the community, have been, upon the whole, such as were to be expected among enlightened and well disposed citizens, from the propriety and necessity of the measure. The novelty, however, of the tax, in a considerable part of the United States, and a misconception of some of its provisions, have given occasion, in particular places, to some degree of discontent. But it is satisfactory to know that this disposition yields to proper explanations, and more just apprehensions of the true nature of the law. And I entertain a full confidence that it will, in all, give way to motives which arise out of a just sense of duty, and a virtuous regard to the public welfare.

“If there are any circumstances in the law, which, consistently with its main design, may be so varied as to remove any well-intentioned objections that may happen to exist, it will consist with a wise moderation to make the proper variations. It is desirable, on all occasions, to unite with a steady and firm adherence to constitutional and necessary acts of government, the fullest evidence of a disposition, as far as may be practicable, to consult the wishes of every part of the community, and to lay the foundations of the public administration in the affections of the people.

“Pursuant to the authority contained in the several acts on that subject, a district of ten miles square, for the permanent seat of the government of the United States, has been fixed, and announced by proclamation; which district will comprehend lands on both sides of the river Potomac, and the towns of Alexandria and Georgetown. A city has also been laid out, agreeably to a plan which will be placed before Congress: and as there is a prospect, favoured by the rate of sales which have already taken place, of ample funds for carrying on the necessary public buildings, there is every expectation of their due progress.

“The completion of the census of the inhabitants, for which provision was made by law, has been duly notified (excepting one instance in which the return has been formal; and another, in which it has been omitted or miscarried,) and the returns of the

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President.

officers who were charged with this duty, which will be laid before you, will give you the pleasing assurance, that the present population of the United States borders on four millions of persons.

"It is proper also to inform you, that a further loan of two millions and a-half of florins has been completed in Holland; the terms of which are similar to those of the one last announced, except as to a small deduction of charges. Another, on like terms, for six millions of florins, had been set on foot under circumstances that assured an immediate completion.

*"Gentlemen of the Senate:—*

"Two treaties which have been provisionally concluded with the Cherokees and Six Nations of Indians, will be laid before you for your consideration and ratification.

*"Gentlemen of the House of Representatives:—*

"In entering upon the discharge of your legislative trust, you must anticipate, with pleasure, that many of the difficulties, necessarily incident to the first arrangements of a new government, for an extensive country, have been happily surmounted by the zealous and judicious exertions of your predecessors, in co-operation with the other branch of the legislature. The important objects which remain to be accomplished, will, I am persuaded, be conducted upon principles equally comprehensive, and equally well calculated for the advancement of the general weal.

"The time limited for receiving subscriptions to the loans proposed by the act making provision for the debt of the United States having expired, statements from the proper department, will, as soon as possible, apprise you of the exact result. Enough, however, is already known, to afford an assurance that the views of that act have been substantially fulfilled. The subscription on the domestic debt of the United States, has embraced by far the greatest proportion of that debt; affording, at the same time, proof of the general satisfaction of the public creditors with the system which has been proposed to their acceptance, and of the spirit of accommodation to the convenience of the government with which they are actuated. The subscription on the debts of the respective states, as far as the provisions of the law have permitted, may be said to be yet more general. The part of the debt of the United States which remains unsubscribed, will naturally engage your further deliberations.

"It is particularly pleasing to me to be able to announce to you, that the resources which have been established promise to



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President.

be adequate to their objects, and may be permitted, if no unforeseen exigency occur, to supersede, for the present, the necessity of any new burdens upon our constituents.

“An object which will claim your early attention, is a provision for the current service of the ensuing year, together with such ascertained demands upon the treasury as require to be immediately discharged, and such casualties as may have arisen in the execution of the public business, for which no specific appropriation may have yet been made: of all which a proper estimate will be laid before you.

“*Gentlemen of the Senate, and of the House of Representatives:—*

“I shall content myself with a general reference to former communications for several objects, upon which the urgency of other affairs has hitherto postponed any definitive resolution. Their importance will recall them to your attention: and, I trust, that the progress already made in the most arduous arrangements of the government, will afford you leisure to resume them with advantage.

“There are, however, some of them of which I cannot forbear a more particular mention. These are,—the militia, the post office and post roads, the mint, weights and measures; a provision for the sale of the vacant lands of the United States.

“The first is certainly an object of primary importance, whether viewed in reference to the national security, to the satisfaction of the community, or to the preservation of order. In connexion with this, the establishment of competent magazines and arsenals, and the fortification of such places as are peculiarly important and vulnerable, naturally present themselves to consideration. The safety of the United States, under Divine protection, ought to rest on the basis of systematic and solid arrangements, exposed as little as possible to the hazards of fortuitous circumstances.

“The importance of the post office and post roads, on a plan sufficiently liberal and comprehensive, as they respect the expedition, safety, and facility of communication, is increased by their instrumentality in diffusing a knowledge of the laws and proceedings of the government, which, while it contributes to the security of the people, serves also to guard them against the effects of misrepresentation and misconception. The establishment of additional cross-posts, especially to some of the important points in the western and northern parts of the Union, cannot fail to be of material utility.

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President.

“The disorders in the existing currency, and especially the scarcity of small change, a scarcity so peculiarly distressing to the poorer classes, strongly recommend the carrying into immediate effect the resolution already entered into concerning the establishment of a mint. Measures have been taken pursuant to that resolution for procuring some of the most necessary artists, together with the requisite apparatus.

“A uniformity in the weights and measures of the country, is among the important objects submitted to you by the Constitution; and, if it can be derived from a standard at once invariable and universal, must be no less honourable to the public councils, than conducive to the public convenience.

“A provision for the sale of the vacant lands of the United States, is particularly urged, among other reasons, by the important considerations, that they are pledged as a fund for reimbursing the public debt; that, if timely and judiciously applied, they may save the necessity of burdening our citizens with new taxes for the extinguishment of the principal: and that, being free to discharge the principal but in a limited proportion, no opportunity ought to be lost for availing the public of its right.

“G. WASHINGTON.”

“United States, October 25, 1791.”

Senate  
committee  
to prepare  
address.

In the Senate, it was ordered, that Messrs. Brown, Cabot, and Johnston, be a committee to prepare and report the draft of an address to the President, in answer to his speech. That committee reported on the 28th, and the report being adopted, in pursuance of an arrangement made with the President, the address was presented on Monday, the 31st of October, by the Vice-President, attended by the Senate, as follows:—

S. Journal,  
p. 327.

Id. p. 331,  
332.

Address  
presented.

“To the President of the United States:—

Address of  
Senate.

“Sir: The Senate of the United States have received with the highest satisfaction the assurances of public prosperity contained in your speech to both houses: the multiplied blessings of Providence have not escaped our notice, or failed to excite our gratitude.

“The benefits which flow from the restoration of public and private confidence are conspicuous and important, and the pleasure with which we contemplate them is heightened by your assurance of those further communications which shall confirm their existence, and indicate their source.

“While we rejoice in the success of those military operations which have been directed against the hostile Indians, we lament

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Senate.

with you the necessity that has produced them, and we participate the hope that the present prospect of a general peace, on terms of moderation and justice, may be wrought into complete and permanent effect; and that the measures of government may equally embrace the security of our frontiers, and the general interests of humanity: our solicitude to obtain which will ensure our zealous attention to an object so warmly espoused by the principles of benevolence, and so highly interesting to the honour and welfare of the nation.

“The several subjects which you have particularly recommended, and those which remain of former sessions, will engage our early consideration. We are encouraged to prosecute them with alacrity and steadiness, by the belief that they will interest no passion but that for the general welfare; by the assurance of concert; and by a view of those arduous and important arrangements which have been already accomplished.

“We observe, sir, the constancy and activity of your zeal for the public good. The example will animate our efforts to promote the happiness of our country.”

To which address, the President made the following reply:—

Reply of  
President.

“*Gentlemen:* This manifestation of your zeal for the honour and the happiness of our country, derives its full value from the share which your deliberations have already had in promoting both. S. Jour P. 335

“I thank you for the favourable sentiments with which you view the part I have borne in the arduous trust committed to the government of the United States; and desire you to be assured that all my zeal will continue to second those further efforts for the public good, which are ensured by the spirit in which you are entering on the present session.

“G. WASHINGTON.”

House orders  
address to be  
prepared.

In the House of Representatives, the speech was considered in committee of the whole, and the house agreed to the report of that committee—“that a respectful address ought to be presented by the House of Representatives to the President of the United States, in answer to his speech to both houses of Congress at the commencement of the session, containing assurances that this house will take into consideration the various and important matters recommended to their attention.” And Messrs. Madison, Lawrance, and Smith, of South Carolina, were appointed a committee to prepare the address. H. Jour P. 439

Committee.

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Mr. Madison reported the address on the 27th, and on the 28th, conformable to an appointment made by the President, the house attended the speaker, and presented the same, as follows:—

H. Journal,  
p. 440. 442.

Address of  
House.

“*Sir*: In receiving your address at the opening of the present session, the House of Representatives have taken an ample share in the feelings inspired by the actual prosperity and flattering prospects of our country: and whilst, with becoming gratitude to Heaven, we ascribe this happiness to the true source from which it flows, we behold, with an animating pleasure, the degree in which the Constitution and laws of the United States have been instrumental in dispensing it.

“It yields us particular satisfaction to learn the success with which the different important measures of the government have proceeded; as well those specially provided for at the last session, as those of preceding date. The safety of our western frontier, in which the lives and repose of so many of our fellow citizens are involved, being peculiarly interesting, your communications on that subject are proportionally grateful to us. The gallantry and good conduct of the militia, whose services were called for, is an honourable confirmation of the efficacy of that precious resource of a free state; and we anxiously wish that the consequences of their successful enterprises, and of the other proceedings to which you have referred, may leave the United States free to pursue the most benevolent policy towards the unhappy and deluded race of people in our neighbourhood.

“The amount of the population of the United States, determined by the returns of the census, is a source of the most pleasing reflections, whether it be viewed in relation to our national safety and respectability, or as a proof of that felicity in the situation of our country, which favours so unexampled a rapidity in its growth. Nor ought any to be insensible to the additional motive suggested by this important fact, to perpetuate the free government established with a wise administration of it, to a portion of the earth which promises such an increase of the number which is to enjoy those blessings within the limits of the United States.

“We shall proceed with all the respect due to your patriotic recommendations; and with a deep sense of the trust committed to us by our fellow citizens, to take into consideration the various and important matters falling within the present session; and, in discussing and deciding each, we shall feel every disposition, whilst we are pursuing the public welfare, which must be the

24 Congress.  
1st Session. supreme object with all our constituents, to accommodate, as far as possible, the means of attaining it to the sentiments and wishes of every part of them."

To which address, the President was pleased to make the following reply :—

Reply of  
President. "Gentlemen: The pleasure I derive from an assurance of your attention to the objects I have recommended to you, is doubled by your concurrence in the testimony I have borne to the prosperous condition of our public affairs.

"Relying on the sanctions of your enlightened judgment, and on your patriotic aid, I shall be the more encouraged in all my endeavours for the public weal: and particularly in those which may be required on my part, for executing the salutary measures I anticipate from your present deliberations.

"G. WASHINGTON."

Rules of  
House. On the 26th of October, the House of Representatives adopted the rules and orders of proceeding established by the late H. Jor  
P. 435  
House of Representatives, "until a revision or alteration of the same shall take place." The committee appointed on the subject of rules made their report on the 1st of November, when it Id. p.  
was ordered to lie on the table, and was not again taken up.

On the 17th of February, the following additional rule was adopted by the House of Representatives:—

Standing  
order. "Resolved—That it be a standing order of this house, that, Id. p.  
whenever confidential communications are received from the President of the United States, the house shall be cleared of all persons except the members and the clerk, and so continue during the reading of such communications, and during all debates and proceedings to be had thereon; and that, when the speaker, or any other member, shall inform the house that he has communications to make, which he conceives ought to be kept secret, the house shall, in like manner, be cleared till the communication be made: the house shall then determine whether the matter communicated require secrecy or not, and take order accordingly."

On the 20th of April, the following motion was submitted to Id. p.  
the house:—

"Whereas, an impartial publication of the debates of Congress, stating accurately their legislative measures, and the reasons urged for and against them, is a desirable object, inasmuch

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**3d Congress. 1st Session.** as it may aid the executive in administering the government, the judiciary in expounding the laws, the government and citizens in the several states in forming a judgment of the conduct of their respective representatives, and Congress themselves in revising and amending their legislative proceedings.

“And whereas, from the want of proper arrangements, such publication has not been accomplished—

**Stenographers.** “*Resolved*—That — persons, of good reputation, and skilled in the art of stenography, be, at the next session, appointed by ballot, to take and publish impartially and accurately, the legislative subjects which may be submitted to the consideration of the house, and the debates thereon of the members respectively. That the persons so to be appointed be considered as officers of the house, and provided for accordingly: that they be severally qualified by oath to a faithful discharge of the trust; and that such regulations shall be prescribed, as may be necessary to protect them in attaining the salutary objects of their appointment. H. Journal, p. 583.

**Committee** “*Ordered*—That the said motion be committed to Mr. Gerry, Mr. Mercer, Mr. Lee, Mr. Smith, of South Carolina, and Mr. Kittera.”

**Report laid on table.** The report of this committee was made and laid on the table Id. p. 586.  
on the 24th of April.

**Senate rule as to committees.** In the Senate, on the 31st of October, a motion was made, S. Journal, p. 332.  
and postponed, “to alter the rule which provides for balloting in the choice of committees, and that the Vice-President be empowered to nominate the committees in future.” This motion appears not to have been acted on.

On the 27th of February, the Senate agreed to the following order:—

**Examination of bills.** “*Ordered*—That all bills, before they are sent to the House of Representatives, be examined by the committees respectively Id. p. 398.  
who brought in such bills, or to whom the same shall have been last committed in Senate.”

**Entering and publishing journals.** Messrs. Strong, Lee, and Ellsworth, were appointed, on the 8th of March, a committee of the Senate, to consider and report any alterations that may be necessary, in the mode of entering and publishing the journals of the Senate. And, on the 12th, a report was made by this committee. Whereupon, Id. p. 407, 408.

“*Ordered*—That the proceedings of the Senate, when not acting as in a committee of the whole house, be entered on the

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Journals as concisely as possible, due care being taken to detail a true and accurate account of the proceedings.

“That the titles of bills and such parts thereof only as shall be affected by proposed amendments, be inserted on the Journals.

“That the secretary be directed, once in each week, at least, to furnish one of the printers of a public newspaper with a copy of the Journals of the Senate, while in their legislative capacity, unless otherwise specially directed.”

The Senate, on the 30th of March, adopted the following resolution:—

Laws of  
states.

“Resolved—That the secretary of the Senate be directed to procure, and deposit in his office, the laws of the several states, for the use of the Senate.”

S. Journal,  
p. 449.

Admission  
to Library.

On the 27th of October, a communication was made to the Senate that the privilege granted to the last Congress, of a free admission to the library of Philadelphia, had been extended to the present Congress.

Id. p. 328.

Committee  
as to busi-  
ness.

Messrs. Strong, Butler, and Burr, were, on the 31st of October, appointed a committee to consider and report what business it is necessary for the Senate to proceed on. And, on the first of November, this committee reported as follows:—

Id. p. 332  
—335.

Report.

“That, in the opinion of the committee, it will be proper for the Senate to proceed on the following business:—

“1. The establishing a mint.

“2. The fixing the standard of weights and measures.

“3. The determining the time for choosing the electors of the President and Vice-President, and the day on which they shall give their votes, and prescribing the mode of transmitting the votes to the seat of government.

“4. Providing compensation for the officers of the judicial courts of the United States, and for jurors and witnesses.

“5. The bill postponed in the Senate, at the last session, for establishing offices, for the purpose of granting lands within the territories of the United States.

“6. The bill, postponed in like manner, concerning consuls and vice-consuls.”

The Senate agreed to this report, and adopted the following order:—

Appoint-  
ment of  
commit-  
tees.

“Ordered—That Messrs. Izard, Moore, and Langdon, be a committee to take into consideration the subject relative to weights and measures, and report their opinion thereon.

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*“Ordered—That Messrs. Rutherford, Sherman, and Burr, be a committee to report a bill determining the time of choosing the electors of President and Vice-President, and the day on which they shall give their votes, and prescribing a mode of transmitting the votes to the seat of government.*

*“Ordered—That Messrs. Henry, Strong, and Monroe, be a committee to report a bill providing compensation for the officers of the judicial courts of the United States, and for jurors and witnesses.*

*“Ordered—That Messrs. King, Foster, Monroe, Strong, and Butler, be a committee to report a bill for establishing offices for the purpose of granting lands within the territories of the United States.*

*“Ordered—That Messrs. Morris, Cabot, and Ellsworth, be a committee to report a bill concerning consuls and vice-consuls.*

*“Ordered—That Messrs. Burr, Butler, and Robinson, be a committee to revise the rules, and report such alterations and additions as may be necessary.”*

Plan of  
city.

The President, on the 13th of December, communicated to the Senate, “the plan of a city that has been laid out within the district of ten miles square, which was fixed upon for the permanent seat of the government of the United States.” S. Journal, p. 355.

On the 26th of March, 1792, Mr. Monroe again submitted the following resolution:—

Motion to  
open Se-  
nate doors.

*“Resolved—That it be a standing rule, that the doors of the senate chamber remain open whilst the Senate shall be sitting in their legislative capacity, except on such occasions as, in their judgment, may require secrecy; and that this rule shall commence and be in force, on the first day of the next session of Congress.”* Id. p. 445.

The question on this motion being taken by yeas and nays, it was decided as follows:—

*Yeas—Messrs. Butler, Carroll, Foster, Hawkins, Johnston, King, Lee, Monroe.—8.*

*Nays—Messrs. Bassett, Bradley, Cabot, Dickinson, Ellsworth, Few, Gunn, Henry, Izard, Langdon, Read, Robinson, Rutherford, Sherman, Stanton, Strong, Wingate.—17.*

On the 18th of April, Mr. Few submitted the following motion:—

Motion to  
admit  
members  
of house.

*“Resolved—That when the Senate are sitting in their legislative capacity, the members of the House of Representatives may* Id. p. 429.



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be admitted, to attend the debates, and each member of the Senate may also admit a number not exceeding two persons; provided, the operation of this resolution be suspended until the senate chamber is sufficiently enlarged."

The question on this motion being taken by yeas and nays, it was decided as follows:—

*Yeas*—Messrs. Bradley, Burr, Few, Gunn, Hawkins, Monroe.—6.

*Nays*—Messrs. Cabot, Carroll, Dickinson, Ellsworth, Foster, Henry, Izard, Johnston, Langdon, Morris, Read, Robinson, Sherman, Stanton, Strong, Wingate.—16.

House  
committee  
on elec-  
tions.

Report.

Jackson's  
petition a-  
gainst  
Wayne.

Referred.

On the 26th of October, the House of Representatives appointed Messrs. Livermore, Boudinot, Giles, Gerry, Bourne, of Rhode Island, Hillhouse, and Steele, to be a committee on elections. This committee, on the 28th, reported on all the credentials of members which had been examined by them. On the 14th of November, there was presented to the house, a petition of James Jackson, of the state of Georgia, complaining of the undue election and return of Anthony Wayne, one of the representatives of that state. The petition was, on the 15th of November, referred to the committee appointed on the 31st of October, "to report a regular and uniform mode of proceeding in cases of contested elections of members of this house," consisting of Messrs. Ames, Dayton, Brown, Fitzsimons, and Tucker. On the 18th of November, Mr. Ames made a report from this committee, on the subject of the petition; and this report was, on the 19th, committed to a committee of the whole house for the following Thursday. On the 24th, the subject was taken up in committee of the whole: and after being considered and amended, the report of the committee was agreed to in the following form:—

Report.

"*Resolved*—That the first Monday of February next, be assigned for the trial of the articles alleged in the said petition. Id. p.

"*Resolved*—That the evidence which may be offered, on the part of the petitioner, shall be confined to the proof of the articles of charge exhibited in the said petition against the validity of the return of the said election.

"*Resolved*—That, on the trial, the deposition of a witness shall be received, which shall have been taken more than twenty-five days prior to the day assigned for the trial, before any justice or judge of the courts of the United States, or before any chan-

H. Jour  
p. 440

Id. p.  
Id. p.  
—455.

Id. p.

Id. p.

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Report.

cellor, justice, or judge of a supreme, or superior court, mayor, or chief magistrate of a city, or judge of a county court, or court of Common Pleas of any of the United States, not being of counsel or attorney to either the said Anthony Wayne, or the petitioner: *Provided*—That a notification from the magistrate, before whom the deposition is to be taken, to the adverse party, to be present at the taking of the same, and to put interrogatories, if he think fit, shall have been first made out and served on the adverse party, or his attorney especially authorized for the purpose, as either may be nearest, if either be within one hundred miles of the place of such caption; allowing time for their attendance, after notified, not less than at the rate of one day, Sundays exclusive, for every twenty miles' travel. And every person deposing shall be carefully examined and cautioned, and sworn or affirmed, to testify the whole truth, and shall subscribe the testimony by him or her given, after the same shall be reduced to writing; which shall be done only by the magistrate taking the deposition, or by the deponent in his presence. And the depositions so taken, together with a certificate of the notice, if any, given to the adverse party, or his attorney, shall be sealed up by the said magistrate, and directed to the speaker: *Provided, nevertheless*—That no *ex parte* deposition shall be used on the trial of the said petition, which shall have been taken at any time before the twenty-sixth day of December next: *Provided, also*—That evidence taken in any other manner than is herein before directed, and not objected to by the parties, may, with the approbation of the house, be produced on the trial."

Trial postponed.

On the day assigned for the trial, a petition having been presented from James Jackson, praying that the trial "may be postponed for twenty days, in conformity to the tenor of an agreement entered into between the attorneys of the said Anthony Wayne and the petitioner, the house granted the prayer of the petition, and assigned Monday, the 27th, for the trial. On the 27th, the case was taken, when an application was made, on the part of the sitting member, for a further postponement: and both the sitting member and the petitioner being fully heard on the subject matter of the said application, it was resolved, that the trial be postponed until the second Monday in March. On the 10th of March, the house granted leave for the sitting member to be heard by his counsel at the bar of the house. An application was made on the day appointed for the trial, by the sitting member, for another postponement until the Wednesday se'nnight,

H. Journal,  
p. 502.

Further postponed.

Id. p. 521,  
522.

Id. p. 534.

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and the parties were respectively heard on the motion, which was finally negatived. The petitioner then entered on the proof of his allegations. The house resumed the consideration of the trial on Wednesday, the 14th, when application in writing being made by the petitioner as followeth:—

Evidence  
offered.

“That the decision of the Senate of the state of Georgia, on the impeachment of Judge Osborne, so far as respects the Camden return for a member to represent the state of Georgia, on the third day of January, 1791, be received as evidence in the present trial of that election, to establish the corruption of Judge Osborne.” H. Jour.  
p. 535,

After a full hearing of the parties, the question being taken by ayes and noes, was decided as follows:—

*Ayes*—Messrs. Ashe, Baldwin, Boudinot, Clarke, Gerry, Giles, Gregg, Grove, Heister, Jacobs, Key, Kitchell, Macon, Schromaker, Steele, Sumpter, Thatcher, Tredwell, Tucker, Willis.—20.

*Noes*—Messrs. Ames, Barnwell, Benson, S. Bourne, B. Bourne, Brown, Findley, Fitzsimons, Gilman, Goodhue, Griffin, Hartley, Hillhouse, Huger, Kittera, Lawrance, Leonard, Lee, Livermore, Madison, Mercer, Moore, Muhlenberg, Murray, Miles, Page, Parker, Sedgwick, Seney, J. Smith, I. Smith, W. Smith, Sterrett, Sturges, Silvester, Venable, Vining, Wadsworth, Ward, White, Williamson.—41.

The petitioner then concluded with his exhibits, and the sitting member entered into the defence until the house adjourned. On the following day, the sitting member having concluded, the petitioner was heard in reply, and the parties then retired from the bar. It was then moved, “that certain proceedings of the House of Representatives of the State of Georgia, accompanied with other papers, transmitted agreeably to their resolution, under the signature of the governor, and the seal of the state, relative to the election of a member to represent the eastern district of the said state in this house, be received.” On which motion, the previous question being called for by five members, to wit,—“Shall the main question to agree to the said motion be now put?”—it passed in the negative. And so the said motion was lost. Id. p.

The consideration of the subject being resumed on the 16th, a motion was made that the house agree to the following resolution—

Decision of  
House.

“Resolved—That Anthony Wayne was not duly elected a Id. p.

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member of this house." And the question being taken by ayes and noes, on this motion, it was decided as follows:—

*Ayes*—Messrs. Trumbull, (speaker,) Ames, Ashe, Baldwin, Barnwell, Benson, Boudinot, S. Bourne, B. Bourne, Brown, Clarke, Findley, Fitzsimons, Gerry, Giles, Gilman, Goodhue, Gregg, Griffin, Grove, Hartley, Heister, Hillhouse, Huger, Jacobs, Key, Kitchell, Kittera, Leonard, Lee, Livermore, Macon, Madison, Mercer, Moore, Muhlenberg, Niles, Page, Parker, Schromaker, Sedgwick, Seney, J. Smith, L. Smith, W. Smith, Steele, Sterrett, Sturges, Sumpter, Silvester, Thatcher, Tredwell, Tucker, Venable, Vining, White, Williamson, Willis.—

No one voting in the negative, the decision was unanimous. It was then moved, "that the speaker do transmit a copy of the said vote to the executive of the state of Georgia," but after some debate, the further proceeding was postponed till Monday. On that day the subject was again taken up, when it was moved that the house agree to the following resolution:—

Further  
proceed-  
ings.

H. Journal,  
p. 540.

*Resolved*—That the petitioner, James Jackson, is entitled to a seat in this house, as a member for the lower district of the state of Georgia; and that the right of petitioning against the election of the said James Jackson, be reserved to all persons, at any time, during the term for which he was elected."

The debate on this resolution occupied that day, and the two following days; and on Wednesday, the 21st of March, the question being taken on the motion, by ayes and noes, it was decided as follows:—

*Ayes*—Messrs. Ashe, Baldwin, Browne, Clarke, Findley, Gerry, Giles, Gregg, Griffin, Grove, Heister, Jacobs, Lee, Macon, Madison, Moore, Niles, Page, Parker, Schromaker, Seney, J. Smith, L. Smith, Sterrett, Sturges, Sumpter, Tredwell, Venable, Willis.—29.

*Noes*—Messrs. Ames, Barnwell, Benson, Boudinot, S. Bourne, B. Bourne, Fitzsimons, Gilman, Goodhue, Gordon, Hartley, Hillhouse, Huger, Key, Kitchell, Kittera, Lawrance, Learned, Livermore, Muhlenberg, Sedgwick, W. Smith, Steele, Silvester, Thatcher, Tucker, Wadsworth, Ward, White.—29.

Seat de-  
clared va-  
cant.

The number of votes being equal, the speaker decided the question in the negative. The seat of Anthony Wayne was then declared to be vacant, and it was—

Id. p. 541,  
542.

*Ordered*—That the speaker transmit a copy of the preceding resolution, and of this vote, to the executive of the state of

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Georgia, to the end that the said executive may issue writs of election to fill the said vacancy."

Resigna-  
tion of W.  
Pinkney.

On the 9th of November, the speaker laid before the house a letter from the governor of Maryland, enclosing the resignation of William Pinkney, elected a representative from that state; and the return of John Francis Mercer, elected in the room of William Pinkney. This communication was referred to the

H. Jou  
p. 451

Report.

standing committee on elections. On the 18th, Mr. Livermore made a report from the committee on elections on this subject; and on the 21st, the report was committed to a committee of the whole house. On the 22d and 23d, this report was considered and amended, and on the last named day the house expressed their decision in the following form:—

Id. p.  
459. 4

"It appears that, at an election for the state of Maryland, on the first day of October, 1790, William Pinkney was duly elected a representative for that state, to serve in the House of Representatives of the United States.

"That the certificate of his election has been duly transmitted by the executive thereof, and heretofore so reported by your committee.

"That by a letter, dated the 26th of September, 1791, directed to the governor and council of that state, William Pinkney resigned that appointment; and that, in consequence of such resignation, the executive issued a writ for an election to supply the vacancy thereby occasioned, and have certified that John Francis Mercer was duly elected by virtue of that writ, in pursuance of the law of the state of Maryland in that case provided.

"*Resolved*—That it is the opinion of this committee that John Francis Mercer is entitled to take a seat in this house, as one of the representatives for the state of Maryland, in the stead of William Pinkney."

Door-  
keepers.

During this session a bill passed the two Houses, fixing the compensation to the door-keepers of the two houses. It appears that the Senate occupied, this session, above forty days on executive business.

Id. p.  
544. 1  
567.  
S. Jou  
p. 401  
413. 4

Bill to alter  
time of  
meeting.

On the 24th of April, the house appointed Messrs. Goodhue, Benson, and Smith, of South Carolina, a committee to prepare and bring in a bill or bills to alter the time for the next annual meeting of Congress; and the bill was reported, went through its different readings, and was passed on the same day. On the

H. Jo  
p. 586  
S. Jou  
p. 431  
435.

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24th of April, this bill received its first and second reading, was amended, and ordered to a third reading. On the 26th, a motion was made to reconsider the amendment agreed to on the second reading; but the further consideration of the subject was postponed until the next day, and was then again postponed till the 1st of May; the consideration was then resumed, when the bill being amended, by striking out "the third Monday," which had been inserted on the second reading, and substituting "the first Monday" in November, it was read a third time, and passed.

Vice-President obtains leave of absence.

The Vice-President having, on the 17th of April, requested the Senate leave of absence for the remainder of the session, on account of the ill state of his own health, and that of his family; on the following day, Richard Henry Lee was elected

S. Journal,  
p. 427, 428.

President *pro tem*.

President *pro tempore*; and on the 19th the Senate adopted the following resolution:—

Right to vote.

"Resolved—That the President *pro tempore* of the Senate, as a member, retains his right to vote upon all questions."

Id. p. 429.

Business to be acted on.

On the 20th of February, the Senate appointed Messrs. Sherman, Langdon, and Strong, a committee, on their part, to report what business is necessary to be done by Congress in the present session, and what business may be, without great inconvenience, postponed to the next session; "that the proceedings may be so regulated as to close this session by the first Tuesday of April next." The house, on the 21st, appointed Messrs. Goodhue, Wadsworth, Lawrance, White, and Macon, to be a committee, on their part, for the same purpose. The report of this committee was made to the two houses on the 1st of March. There seems to have been no subsequent action on this report.

Id. p. 393.

H. Journal,  
p. 515, 525.

S. Journal,  
p. 401.

Motion to adjourn.

On the 5th of April, a motion was made in the Senate for an adjournment on the 14th of April. An unsuccessful effort was made to postpone the motion. A motion, equally unsuccessful, was then made, to appoint a committee to confer with such committee as the House might appoint, on the day proper for Congress to close the present session. The resolution was then so amended as to read, "Tuesday, the 17th day of April, instant;" and in this form it was agreed to. The resolution was sent to the House, but was not acted on in that body. On the 24th of April, the

Id. p. 420.

H. Journal,  
p. 586.

House motion to adjourn.

House agreed to a resolution to adjourn on the 5th of May, and the Senate concurred in that resolution, on the following day. On the 2d of May, the Senate appointed Messrs. Hawkins and Burr to be a committee, on their part, to notify the President of

S. Journal,  
p. 431, 435,  
436.

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|-------------------------------|---|--|
| 1st Congress.<br>1st Session. | the proposed recess of Congress. Before this resolution received a response from the House, the resolution to adjourn on the 5th of May had been repealed, by a motion in that branch, and the 10th of May had been agreed on; and the Senate had amended this resolution so as to make it read "Tuesday, the 8th," which was concurred in by the House. On the 7th, the House appointed their committee to wait on the President, consisting of Messrs. Seney, Gilman, and Grove. The committee having performed its duty, and the customary messages having been interchanged by the two houses, an adjournment took place, on the 8th of May, to the first Monday in November. | H. Journal, p. 598.<br><br>S. Journal, p. 438.<br><br>Id. p. 444.<br><br>H. Journal, p. 606. |
| Adjournment.                  |   |  |

## SECOND SESSION.

|   |  |                       |
|---|--|-----------------------|
| 1st Congress.<br>1st Session.             | On Monday, the 5th of November, the two houses reassembled at Philadelphia, when the following members were present:—  | 1792-93.              |
| Houses<br>reect.                          | SENATORS—Messrs. Langdon, Wingate, of New Hampshire; Strong, Cabot, of Massachusetts; Foster, of Rhode Island; Ellsworth, Sherman, of Connecticut; Bradley, Robinson, of Vermont; King, of New York; Dickinson, Rutherford, of New Jersey; Read, of Delaware; Monroe, of Virginia; Brown, Edwards, of Kentucky; Hawkins, of North Carolina; Butler, Izard, of South Carolina; Few, of Georgia.   | S. Journal, p. 451.   |
| Senators<br>resent.                       | REPRESENTATIVES—Messrs. Gilman, Livermore, J. Smith, of New Hampshire; Ames, S. Bourne, Gerry, Goodhue, Thatcher, Ward, of Massachusetts; B. Bourne, of Rhode Island; Learned, Sturges, Trumbull, (speaker,) of Connecticut; Niles, I. Smith, of Vermont; Benson, Lawrance, Tredwell, of New York; Boudinot, Clark, Dayton, of New Jersey; Fitzsimons, Muhlenberg, of Pennsylvania; Key, Murray, of Maryland; Giles, Madison, Moore, Parker, Venable, White, of Virginia; Macon, Steele, Williamson, of North Carolina; W. Smith, Sumpter, Tucker, of South Carolina; Baldwin, Willis, of Georgia. | Id. p. 609, 610.      |
| Representatives<br>present.               | The Vice-President being absent, and also Mr. Lee, who had been elected President <i>pro tempore</i> at the last session, the Senate elected John Langdon to be President <i>pro tempore</i> .   | Id. p. 451.           |
| Senate elects<br>President<br>pro<br>tem. | The usual messages that a quorum was in attendance, were sent by the two houses to each other. Messrs. Izard and Strong were appointed on the part of the Senate; and Messrs. Boudinot,  | Id. p. 451, 452. 455. |
| Messages<br>interchan-<br>ged.            |  |                       |

## CHAP. I.

## Organization of Houses—Rules, &amp;c.

1792-93.

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2d Session.

Chaplains.

Newspapers.

Key, and Moore, on the part of the House, to be a committee to notify the President that a quorum of the two houses is assembled, and ready to receive any communications he may think proper to make to them. The two houses also resolved to elect chaplains, in the usual form, and the Right Reverend Bishop White was elected by the Senate, and the Reverend Ashbel Green by the House. The House adopted a resolution to furnish the members with the usual allowance of newspapers; and a similar resolution was adopted by the Senate, on the following day.

H. Journal,  
p. 610, 611.

On the 6th, the President having signified his intention to meet the two houses in the senate chamber, in order to make a communication to them, the House of Representatives repaired to the senate chamber, when the President delivered the following address:—

*“Fellow Citizens of the Senate, and of the House of Representatives:—*

Speech of  
President.

“It is some abatement of the satisfaction with which I meet you on the present occasion, that, in felicitating you on a continuance of the national prosperity, generally, I am not able to add to it information that the Indian hostilities, which have, for some time past, distressed our north-western frontier, have terminated.

S. Journal,  
p. 452—  
454.  
H. Journal,  
p. 611—  
613.

“You will, I am persuaded, learn with no less concern than I communicate it, that reiterated endeavours towards effecting a pacification, have hitherto issued only in new and outrageous proofs of persevering hostility on the part of the tribes with whom we are in contest. An earnest desire to procure tranquillity to the frontier; to stop the further effusion of blood; to arrest the progress of expense; to forward the prevalent wish of the nation for peace, has led to strenuous efforts, through various channels, to accomplish these desirable purposes: in making which efforts, I consulted less my own anticipations of the event, or the scruples which some considerations were calculated to inspire, than the wish to find the object attainable; or, if not attainable, to ascertain unequivocally that such is the case.

“A detail of the measures which have been pursued, and of their consequences, which will be laid before you, while it will confirm to you the want of success thus far, will, I trust, evince, that means as proper and as efficacious as could have been devised, have been employed. The issue of some of them, indeed, is still depending; but a favourable one, though not to be despaired of, is not promised by any thing that has yet happened.



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2d Session.

Speech of  
President.

"In the course of the attempts which have been made, some valuable citizens have fallen victims to their zeal for the public service. A sanction, commonly respected even among savages, has been found, in this instance, insufficient to protect from massacre the emissaries of peace: it will, I presume, be duly considered, whether the occasion does not call for an exercise of liberality towards the families of the deceased.

"It must add to your concern to be informed, that, besides the continuation of hostile appearances among the tribes north of the Ohio, some threatening symptoms have, of late, been revived among some of those south of it.

"A part of the Cherokees, known by the name of Chickamagas, inhabiting five villages on the Tennessee river, have long been in the practice of committing depredations on the neighbouring settlements.

"It was hoped that the treaty of Holston, made with the Cherokee nation, in July, 1791, would have prevented a repetition of such depredations. But the event has not answered this hope. The Chickamagas, aided by some banditti of another tribe in their vicinity, have recently perpetrated wanton and unprovoked hostilities upon the citizens of the United States in that quarter. The information which has been received on this subject will be laid before you. Hitherto, defensive precautions, only, have been strictly enjoined and observed.

"It is not understood, that any breach of treaty or aggression whatsoever, on the part of the United States or their citizens, is even alleged as a pretext for the spirit of hostility in this quarter.

"I have reason to believe, that every practicable exertion has been made, (pursuant to the provision by law for that purpose,) to be prepared for the alternative of a prosecution of the war, in the event of a failure of pacific overtures. A large proportion of the troops authorized to be raised have been recruited, though the number is still incomplete; and pains have been taken to discipline, and put them in condition for the particular kind of service to be performed. A delay of operations, (besides being dictated by the measures which were pursuing towards a pacific termination of the war,) has been, in itself, deemed preferable to immature efforts. A statement from the proper department, with regard to the number of troops raised, and some other points which have been suggested, will afford more precise information as a guide to the legislative consultations; and, among other things, will enable Congress to judge whether some

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additional stimulus to the recruiting service may not be advisable.

Speech of  
President.

“In looking forward to the future expense of the operations which may be found inevitable, I derive consolation from the information I receive, that the product of the revenues for the present year is likely to supersede the necessity of additional burdens on the community for the service of the ensuing year. This, however, will be better ascertained in the course of the session; and it is proper to add, that the information alluded to proceeds upon the supposition of no material extension of the spirit of hostility.

“I cannot dismiss the subject of Indian affairs, without again recommending to your consideration the expediency of more adequate provisions for giving energy to the laws throughout our interior frontier, and for restraining the commission of outrages upon the Indians; without which all pacific plans must prove nugatory. To enable, by competent rewards, the employment of qualified and trusty persons to reside among them, as agents, would also contribute to the preservation of peace and good neighbourhood. If, in addition to these expedients, an eligible plan could be devised for promoting civilization among the friendly tribes, and for carrying on trade with them, upon a scale equal to their wants, and under regulations calculated to protect them from imposition and extortion, its influence, in cementing their interest with ours, could not but be considerable.

“The prosperous state of our revenue has been intimated. This would be still more the case, were it not for the impediments which, in some places, continue to embarrass the collection of the duties on spirits distilled within the United States. These impediments have lessened, and are lessening, in local extent; and, as applied to the community at large, the contentment with the law appears to be progressive.

“But symptoms of increased opposition having lately manifested themselves in certain quarters, I judged a special interposition on my part proper and advisable; and, under this impression, have issued a proclamation, warning against all unlawful combinations and proceedings, having for their object or tendency to obstruct the operation of the law in question, and announcing that all lawful ways and means would be strictly put in execution for bringing to justice the infractors thereof, and securing obedience thereto.

“Measures have also been taken for the prosecution of offenders; and Congress may be assured, that nothing within constitu-

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Speech of  
President.

tional and legal limits, which may depend upon me, shall be wanting to assert and maintain the just authority of the laws. In fulfilling this trust, I shall count entirely upon the full co-operation of the other departments of the government, and upon the zealous support of all good citizens.

“I cannot forbear to bring again into the view of the legislature the subject of a revision of the judiciary system. A representation from the judges of the Supreme Court, which will be laid before you, points out some of the inconveniences that are experienced. In the course of the execution of the laws, considerations arise out of the structure of that system, which, in some cases, tend to relax their efficacy. As connected with this subject, provisions to facilitate the taking of bail upon processes out of the courts of the United States, and a supplementary definition of offences against the Constitution and laws of the Union, and of the punishment for such offences, will, it is presumed, be found worthy of particular attention.

“Observations on the value of peace with other nations are unnecessary. It would be wise, however, by timely provisions, to guard against those acts of our own citizens, which might tend to disturb it, and to put ourselves in a condition to give that satisfaction to foreign nations which we may sometimes have occasion to require from them. I particularly recommend to your consideration the means of preventing those aggressions by our citizens on the territory of other nations, and other infractions of the laws of nations, which, furnishing just subject of complaint, might endanger our peace with them; and, in general, the maintenance of a friendly intercourse with foreign powers will be presented to your attention by the expiration of the law for that purpose, which takes place, if not renewed, at the close of the present session.

“In execution of the authority given by the legislature, measures have been taken for engaging some artists from abroad, to aid in the establishment of our mint: others have been employed at home. Provision has been made for the requisite buildings, and these are now putting into proper condition for the purposes of the establishment. There has also been a small beginning in the coinage of half dimes; the want of small coins in circulation calling the first attention to them.

“The regulation of foreign coins in correspondency with the principles of our national coinage, as being essential to their due operation and to order in our money concerns, will, I doubt not, be resumed and completed.

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Speech of  
President.

"It is represented that some provisions in the law which establishes the post office, operate, in experiment, against the transmission of newspapers to distant parts of the country. Should this, upon due inquiry, be found to be the fact, a full conviction of the importance of facilitating the circulation of political intelligence and information will, I doubt not, lead to the application of a remedy.

"The adoption of a constitution for the state of Kentucky has been notified to me. The legislature will share with me in the satisfaction, which arises from an event interesting to the happiness of the part of the nation to which it relates, and conducive to the general order.

"It is proper likewise to inform you, that since my last communication on the subject, and in further execution of the acts severally making provision for the public debt, and for the reduction thereof, three new loans have been effected, each for three millions of florins: one at Antwerp, at the annual interest of four and a half *per cent.*, with an allowance of four *per cent.* in lieu of all charges; and the other two at Amsterdam, at the annual interest of four *per cent.*, with an allowance of five and one half *per cent.* in one case, and of five *per cent.* in the other, in lieu of all charges. The rates of these loans, and the circumstances under which they have been made, are confirmation of the high state of our credit abroad.

"Among the objects to which these funds have been directed to be applied, the payment of the debts due to certain foreign officers, according to the provision made during the last session, has been embraced.

*"Gentlemen of the House of Representatives:—*

"I entertain a strong hope, that the state of the national finances is now sufficiently matured to enable you to enter upon a systematic and effectual arrangement for the regular redemption and discharge of the public debt, according to the right which has been reserved to the government: no measure can be more desirable, whether viewed with an eye to its intrinsic importance, or to the general sentiment and wish of the nation.

"Provision is likewise requisite for the reimbursement of the loan which has been made of the bank of the United States, pursuant to the eleventh section of the act by which it is incorporated. In fulfilling the public stipulations in this particular, it is expected a valuable saving will be made.

"Appropriations for the current service of the ensuing year,  
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and for such extraordinaries as may require provision, will demand, and, I doubt not, will engage your early attention.

Speech of  
President.

*"Gentlemen of the Senate, and the House of Representatives:—*

"I content myself with calling your attention, generally, to such objects not particularized in my present address, as have been suggested in my former communications to you.

"Various temporary laws will expire during the present session. Among these, that which regulates trade and intercourse with the Indian tribes will merit particular notice.

"The results of your common deliberations hitherto will, I trust, be productive of solid and durable advantages to our constituents; such as, by conciliating more and more their ultimate suffrage, will tend to strengthen and confirm their attachment to that constitution of government, upon which, under Divine Providence, materially depend their union, their safety, and their happiness.

"Still further to promote and secure these inestimable ends, there is nothing which can have a more powerful tendency, than the careful cultivation of harmony, combined with a due regard to stability in the public councils.

"G. WASHINGTON."

*"United States, November 6th, 1792."*

Messrs. Strong, King, and Rutherford, were appointed a committee of the Senate, to prepare an address in answer to his speech; and a draft of an address was reported on the following day. The draft having been considered and amended on the 8th, and the President having appointed 11 o'clock of the 9th to receive the address, it was then presented by the president *pro tempore*, attended by the Senate, at the President's house, as follows:—

S. Jour  
p. 455,  
457.

*"To the President of the United States:—*

Address of  
Senate.

"Accept, sir, our grateful acknowledgments for your address at the opening of the present session. We participate with you in the satisfaction arising from the continuance of the general prosperity of the nation, but it is not without the most sincere concern that we are informed that the reiterated efforts which have been made to establish peace with the hostile Indians, have hitherto failed to accomplish that desired object. Hoping that the measures still depending may prove more successful than those which have preceded them, we shall, nevertheless, concur in every necessary preparation for the alternative; and, should the Indians on either side of the Ohio persist in their hostilities,

## CHAP. I.

## Organization of Houses—Rules, &amp;c.

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Senate.

“fidelity to the Union, as well as affection for our fellow citizens on the frontiers, will ensure our decided co-operation in every measure which shall be deemed requisite for their protection and safety.

“At the same time that we avow the obligation of the government to afford its protection to every part of the Union, we cannot refrain from expressing our regret that even a small portion of our fellow citizens, in any quarter of it, should have combined to oppose the operation of the law for the collection of duties on spirits distilled within the United States: a law repeatedly sanctioned by the authority of the nation, and, at this juncture, materially connected with the safety and protection of those who oppose it. Should the means already adopted fail in securing obedience to this law, such further measures as may be thought necessary to carry the same into complete operation, cannot fail to receive the approbation of the legislature, and the support of every patriotic citizen.

“It yields us particular pleasure to learn, that the productiveness of the revenue of the present year will, probably, supersede the necessity of any additional tax for the service of the next.

“The organization of the government of the state of Kentucky, being an event peculiarly interesting to a part of our fellow citizens, and conducive to the general order, affords us particular satisfaction.

“We are happy to learn, that the high state of our credit abroad has been evinced by the terms in which the new loans have been negotiated.

“In the course of the session, we shall proceed to take into consideration the several objects which you have been pleased to recommend to our attention; and, keeping in view the importance of union and stability in the public councils, we shall labour to render our decisions conducive to the safety and happiness of our country.

“We repeat with pleasure our assurances of confidence in your administration, and our ardent wish that your unabated zeal for the public good may be rewarded by the durable prosperity of the nation, and every ingredient of personal happiness.

“JOHN LANGDON,

“*President pro tempore.*”

To this address the President of the United States made the following reply:—

Reply of  
President.

“I derive much pleasure, gentlemen, from your very satisfactory address. The renewed assurances of your confidence in

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2d Session.

my administration, and the expression of your wish for my personal happiness, claim and receive my particular acknowledgments. In my future endeavour for the public welfare, to which my duty may call me, I shall not cease to count upon the firm, enlightened, and patriotic support of the Senate.

“G. WASHINGTON.”

House resolves to present address.

On the 7th, the House of Representatives resolved that an address should be presented to the President, and Messrs. Madison, Benson, and Murray, were appointed a committee to prepare the same. Mr. Madison, from this committee, reported an address on the 9th, which, being amended and agreed to, was presented to the President of the United States on the 12th of November, by the speaker, attended by the House, as follows:—

H. Jor  
p. 614,  
616.

Address to President.

Sir: The House of Representatives, who always feel a satisfaction in meeting you, are much concerned that the occasion for mutual felicitation, afforded by the circumstances favourable to the national prosperity, should be abated by a continuance of that hostile spirit of many of the Indian tribes; and, particularly, that the reiterated efforts for effecting a general pacification with them should have issued in new proofs of their persevering enmity, and the barbarous sacrifice of citizens, who, as the messengers of peace, were distinguishing themselves by their zeal for the public service. In our deliberations on this important department of our affairs, we shall be disposed to pursue every measure that may be dictated by the sincerest desire, on one hand, of cultivating peace, and manifesting, by every practicable regulation, our benevolent regard for the welfare of these misguided people; and, by the duty we feel, on the other, to provide, effectually, for the safety and protection of our fellow citizens.

Id. p.  
617.

“While with regret we learn, that symptoms of opposition to the law imposing duties on spirits distilled within the United States have manifested themselves, we reflect with consolation, that they are confined to a small portion of our fellow citizens. It is not more essential to the preservation of true liberty, that a government should be always ready to listen to the representations of its constituents, and to accommodate its measures to the sentiments and wishes of every part of them, as far as will consist with the good of the whole, than it is, that the just authority of the laws should be steadfastly maintained. Under this impression, every department of the government, and all good citizens, must approve the measures you have taken, and the

2d Congress.  
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Address to  
President.

purpose you have formed, to execute this part of your trust with firmness and energy: and be assured, sir, of every constitutional aid and co-operation which may become requisite on our part. And we hope, that, while the progress of contentment under the law in question is as obvious as it is rational, no particular part of the community may be permitted to withdraw from the general burdens of the country, by a conduct as irreconcilable to national justice as it is inconsistent with public decency.

“The productive state of the public revenue, and the confirmation of the credit of the United States abroad, evinced by the loans at Antwerp and Amsterdam, are communications the more gratifying, as they enforce the obligation to enter on systematical and effectual arrangements for discharging the public debt, as fast as the conditions of it will permit; and we take pleasure in the opportunity to assure you of our entire concurrence in the opinion, that no measure can be more desirable, whether viewed with an eye to the urgent wish of the community, or the intrinsic importance of promoting so happy a change in our situation.

“The adoption of a constitution for the state of Kentucky, is an event in which we join in all the satisfaction you have expressed. It may be considered as particularly interesting, since, besides the immediate benefits resulting from it, it is another auspicious demonstration of the facility and success with which an enlightened people is capable of providing, by free and deliberate plans of government, for their own safety and happiness.

“The operation of the law establishing the post office, as it relates to the transmission of newspapers, will merit our particular inquiry and attention—the circulation of political intelligence through these vehicles, being justly reckoned among the surest means of preventing the degeneracy of a free government, as well as of recommending every salutary public measure to the confidence and co-operation of all virtuous citizens.

“The several other matters which you have communicated and recommended, will, in their order, receive the attention due to them; and our discussions will, in all cases, we trust, be guided by a proper respect for harmony and stability in the public councils, and a desire to conciliate more and more the attachment of our constituents to the constitution, by measures accommodated to the true ends for which it was established.”

To which address the President of the United States made the following reply:—



| CHAP. I.                    | Organization of Houses—Rules, &c.  | 1792               |
|-----------------------------|--|--------------------|
| 2d Congress.<br>2d Session. | <p><i>"Gentlemen:</i> It gives me pleasure to express to you the satisfaction which your address affords me. I feel, as I ought, the approbation you manifest of the measures I have taken, and the purpose I have formed, to maintain, pursuant to the trust reposed in me by the constitution, the respect which is due to the laws; and the assurance which you, at the same time, give me, of every constitutional aid and co-operation that may become requisite, on your part.</p> <p>"This is a new proof of that enlightened solicitude for the establishment and confirmation of public order, which, embracing a zealous regard for the principles of true liberty, has guided the deliberations of the House of Representatives; a perseverance in which can alone secure, under the Divine blessing, the real and permanent felicity of our common country.</p> <p style="text-align: right;">"G. WASHINGTON."</p>   | H. Jour<br>p. 618  |
| Reply of<br>President.      |  |                    |
| Purchase<br>of maps.        | <p>On the 28th of November, the secretary of the Senate was directed to purchase a map of the United States, and maps of the respective states, for the use of the Senate.</p> <p>A motion was made on the 3d of January, 1793, that the Senate adopt the following resolutions:—</p> <p><i>"Resolved—</i>That the Senate of the United States are individually responsible for their conduct to their constituents, who are entitled to such information as will enable them to form a just estimate thereof.</p> <p><i>"Resolved—</i>That the Journals are too voluminous and expensive to circulate generally; and if it were otherwise, that the information they contain, as to the principles, motives, and designs, of individual members, is inadequate.</p> <p><i>"Resolved—</i>That this information, defective as it is, becomes more nugatory and delusive, in proportion as the occasion for it increases, since the Senate make their own Journals.</p> <p><i>"Resolved—</i>That the conducting of the legislative and judicial powers of the Senate in public, and suffering an account of their measures and deliberations to be published in the newspapers, is the best means of diffusing general information concerning the principles, motives, and conduct, of individual members; and that, by withholding this information, responsibility becomes unavailing; the influence of their constituents over one branch of the legislature, in a great measure, annihilated; and the best security which experience has devised against the abuse of power and a mal-administration, abandoned.</p> | S. Jour<br>p. 460. |

2d Congress.  
2d Session.

Motion to  
open doors  
of Senate.

*“Resolved, therefore,—*That it be a standing rule that the doors of the senate chamber remain open, whilst the Senate shall be sitting in a legislative or judicial capacity, except on such occasions as, in their judgment, may require secrecy: and that this rule shall commence and be in force on the first day of the next session of Congress.

*“Resolved—*That the secretary of the Senate request the commissioners of the city and county of Philadelphia to cause a proper gallery to be erected for the accommodation of an audience.”

Consideration  
postponed.

A motion to print these resolutions was negatived, and their consideration was postponed till the first Monday in February. On the 4th of February, the subject was again taken up. A motion was then made for the previous question, namely—whether the question should be now put on the four preliminary resolutions; and the question being taken by yeas and nays, it was decided as follows:—

*Yeas*—Messrs. Burr, Butler, Edwards, Gunn, Monroe, Potts, Taylor.—7.

*Nays*—Messrs. Bassett, Bradley, Brown, Cabot, Dickinson, Ellsworth, Foster, Hawkins, Henry, Johnston, Izard, King, Langdon, Morris, Read, Robinson, Rutherford, Sherman, Stanton, Strong, Wingate.—21.

Motion negatived.

The question was then taken on agreeing to the main question, being the fifth resolution; and the yeas and nays being called, it was decided as follows:—

*Yeas*—Messrs. Brown, Burr, Butler, Edwards, Gunn, Hawkins, King, Monroe, Potts, Taylor.—10.

*Nays*—Messrs. Bassett, Bradley, Cabot, Dickinson, Ellsworth, Foster, Henry, Johnston, Izard, Langdon, Morris, Read, Robinson, Rutherford, Sherman, Stanton, Strong, Wingate.—18.

The last resolution was then negatived without a division.

On the 18th of February, the following message was received from the President of the United States:—

*“Gentlemen of the Senate and House of Representatives:—*

Plat of territory on Potomac.

“I now lay before you a report and plat of the territory of the United States on the Potomac, as given in by the commissioners of that territory, together with a letter from the secretary of state, which accompanied them. The papers, being original, are to be again deposited with the records of the depart-

S. Journal,  
p. 478.

Id. p. 489.

2d Congress.  
2d Session.

ment of state, after having answered the purpose of your information.

"G. WASHINGTON.

*"United States, February 18, 1793."*

Order to  
return ori-  
ginal pa-  
pers.

On the 2d of March, the Senate passed an order, "that the Secretary return all original papers not addressed to the Senate, which have been laid before them, during the present session, by the President, or by any of the heads of departments." S. Journal, p. 505.

Examining  
votes for  
President.

On the 5th of February, the House of Representatives appointed Messrs. W. Smith, Madison, and Lawrance, a committee, on their part; and on the 6th, the Senate appointed Messrs. King, Izard, and Strong, to be their committee, "to ascertain and report the mode of examining the votes for President and Vice-President; and of notifying the persons who shall be elected, of their election; and to regulate the time, place, and manner of administering the oath of office to the President." On the 11th, the joint committee reported to the two houses; and in pursuance of this report, the House of Representatives repaired to the Senate chamber on the 13th, when the votes were counted in the presence of both houses, and George Washington was declared to be unanimously elected President of the United States, and John Adams, by a plurality of votes, elected Vice-President, for the period of four years. On the 14th, a joint committee was appointed to notify the President of his election; consisting of Messrs. W. Smith, Madison, and Lawrance, of the House, and Messrs. King, Izard, and Strong, of the Senate; and on the following day, this committee reported that they had performed the duty assigned to them. H. Journal, p. 689.  
S. Journal, p. 480.  
H. Journal, p. 699, 701, 702.  
S. Journal, p. 484, 485, 486.  
H. Journal, p. 703.

Bill for  
next annual  
meeting  
of Con-  
gress.

The House of Representatives, on the 20th of February, appointed Messrs. Muhlenberg, W. Smith, and Sedgwick, a committee to bring in a bill fixing the time for the next annual meeting of Congress. On the 22d, the bill was reported, received its first and second readings, and on the 23d the bill was passed by the house. In the Senate the bill received its first reading on the 23d, was read a second time, and amended on the 25th, and on the 26th it was read a third time. On the 27th the House disagreed to the amendments made by the Senate, and on the same day, the Senate determined to adhere to their amendments. The House having, on the 28th, resolved to insist on their disagreement, desired a conference with the Senate, on the subject matter of the same, and appointed Messrs. Livermore, Muhlenberg, and W. Smith, to be managers of the said conference, on the part of the House. The Senate having agreed to the pro- Id. p. 709—713, 715.  
S. Journal, p. 492, 493, 495.  
H. Journal, p. 720.  
S. Journal, p. 497.  
H. Journal, p. 723.

| CHAP. I.   | Organization of Houses—Rules, &c.   | 1792-93.  |
|--|---|---|
| 2d Congress.<br>2d Session.                            | posed conference, appointed Messrs. Gunn, Taylor, and Langdon, to be managers of the said conference, on their part. On the 2d of March, this committee reported to the two houses, "that they could not come to any agreement:" and thus the bill was defeated.  | S. Journal,<br>p. 498, 509.<br>H. Journal,<br>p. 732. |
| Election of<br>President<br><i>pro tem</i> .           | On the 1st of March the Vice-President being absent, the Senate proceeded to the election of a president <i>pro tempore</i> , and John Langdon was elected.   | S. Journal,<br>p. 499.                                |
| Committee<br>to wait on<br>President.                  | Both houses having brought their business to a close, appointed, on Saturday evening, the 20th of March, a joint committee, consisting of Messrs. Johnson and Rutherford, of the Senate, and Messrs. Boudinot, Sedgwick, and Hindman, of the House, to wait on the President, and inform him that Congress was about to adjourn. The thanks of the house were then unanimously voted to Jonathan Trumbull, "in testimony of their approbation of his conduct in the chair, and in the execution of the difficult and important trust reposed in him as speaker of the said house." The speaker then addressed the house as follows:—                    | Id. p. 505.   |
| Thanks to<br>speaker.                                  | "Gentlemen: You have made me very happy by this testimony of your approbation of my conduct in the chair. I feel, at the same time, an additional pleasure in this opportunity of rendering to you my sincere acknowledgments for the kind candour and indulgence, as well as the constant aid and support, which I have experienced in the performance of the duty which you were pleased to assign me. Be assured, gentlemen, I shall ever retain a grateful sense of your goodness; and you will suffer me to add, that my best wishes for your welfare and happiness, in public and private life, will attend each member of this honourable body." | H. Journal,<br>p. 735.                                |
| Speaker's<br>reply.                                    |   |   |
| Officers to<br>remain till<br>successors<br>appointed. | By a previous resolution of the house, it had been resolved that the clerk, door-keeper, and assistant door-keeper of the house, should be deemed to continue in office, until successors should be appointed.  | Id. p. 731.   |
| Adjourn-<br>ment.                                      | The joint committee having reported that the President had no further communications to make, the two houses then adjourned, <i>sine die</i> .  |   |

## CHAPTER II.

Ratifications of Constitution—Amendments proposed to States—Ratifications of Amendments—Census—Apportionment of Representation—Officers to fill Vacancies in Office—Time of choosing Electors—Transmission of Votes—Compensation Bill—Judiciary—Salaries—Processes—Courts—Fugitives from Justice—Crimes and Punishments—Prisoners—Private Claims—Admission of Kentucky and Vermont.

**Ratification of Constitution by 1 States.** PREVIOUSLY to the assembling of the First Congress at the city of New York, New Hampshire, Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, South Carolina, and Georgia, had ratified the Constitution. The ratification of the Constitution by the state of North Carolina, took place in a convention of the "freemen, citizens, and inhabitants," of that state, on the 21st of December, 1789, and was communicated to the two houses of Congress, in a message from the President of the United States, on the 11th of January, 1790. The state of Rhode Island and Providence Plantations, in convention, ratified the Constitution on the 29th of May, 1790, enjoining it upon her senators and representatives to use all their influence to obtain the adoption, by Congress, of twenty-one amendments, which are specified and attached to the act of ratification. The first communication of the fact, by the President of the United States, to Congress, was made on the 1st of June, 1790; and a copy of the act of ratification was transmitted to each house on the 16th of June. The amendments proposed by the state of Rhode Island are as follows:—

**By North Carolina.** S. Journal, p. 104.  
H. Journal, p. 138.  
Id. p. 299.

**By Rhode Island.** S. Journal, p. 144. 158—162.  
H. Journal, p. 232. 243. 300—303.

**Amendments proposed by Rhode Island.** "First. The United States shall guaranty to each state its sovereignty, freedom, and independence, and every power, jurisdiction, and right, which is not by this Constitution expressly delegated to the United States.

"Second. That Congress shall not alter, modify, or interfere in, the times, places, or manner, of holding elections for senators and representatives, or either of them, except when the legislature of any state shall neglect, refuse, or be disabled by invasion or rebellion, to prescribe the same; or in case when the provision made by the states is so imperfect, as that no consequent election is had, and then only until the legislature of such state shall make provision in the premises.

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1st Congress.

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ments pro-  
posed by  
R. Island.

*“Third.* It is declared by the convention, that the judicial power of the United States, in cases in which a state may be a party, does not extend to criminal prosecutions, or to authorize any suit by any person against a state; but, to remove all doubts or controversies respecting the same, that it be especially expressed, as a part of the Constitution of the United States, that Congress shall not, directly, or indirectly, either by themselves, or through the judiciary, interfere with any one of the states in the redemption of paper money already emitted and now in circulation, or in liquidating or discharging the public securities of any one state: that each and every state shall have the exclusive right of making such laws and regulations for the before-mentioned purpose, as they shall think proper.

*“Fourth.* That no amendments to the Constitution of the United States, hereafter to be made, pursuant to the fifth article, shall take effect, or become a part of the Constitution of the United States, after the year one thousand seven hundred and ninety-three, without the consent of eleven of the states heretofore united under one confederation.

*“Fifth.* That the judicial powers of the United States shall extend to no possible case, where the cause of action shall have originated before the ratification of this Constitution, except in disputes between the states about their territory; disputes between persons claiming lands under grants of different states; and debts due to the United States.

*“Sixth.* That no person shall be compelled to do military duty otherwise than by voluntary enlistment, except in cases of general invasion; any thing in the second paragraph of the sixth article of the Constitution, or any law made under the Constitution, to the contrary notwithstanding.

*“Seventh.* That no capitation or poll tax shall ever be laid by Congress.

*“Eighth.* In cases of direct taxes, Congress shall first make requisitions on the several states to assess, levy, and pay, their respective proportions of such requisitions, in such way and manner as the legislatures of the several states shall judge best; and in case any state shall neglect or refuse to pay its proportion, pursuant to such requisition, then Congress may assess and levy such state's proportion, together with interest, at the rate of six per cent. per annum, from the time prescribed in such requisition.

*“Ninth.* That Congress shall lay no direct taxes without the consent of the legislatures of three-fourths of the states in the Union.

1st Congress.

Amend-  
ments pro-  
posed by  
R. Island.

*"Tenth.* That the Journals of the proceedings of the Senate and House of Representatives, shall be published as soon as conveniently may be, at least once in every year, except such parts thereof, relating to treaties, alliances, or military operations, as in their judgment require secrecy.

*"Eleventh.* That regular statements of the receipts and expenditures of all public moneys, shall be published at least once a year.

*"Twelfth.* As standing armies in time of peace are dangerous to liberty, and ought not to be kept up except in cases of necessity, and, as at all times the military should be under strict subordination to the civil power, that, therefore, no standing army, or regular troops, shall be raised, or kept up in time of peace.

*"Thirteenth.* That no moneys be borrowed on the credit of the United States, without the assent of two-thirds of the senators and representatives present in each house.

*"Fourteenth.* That the Congress shall not declare war, without the concurrence of two-thirds of the senators and representatives present in each house.

*"Fifteenth.* That the words 'without the consent of Congress,' in the seventh clause in the ninth section of the first article of the Constitution, be expunged.

*"Sixteenth.* That no judge of the Supreme Court of the United States shall hold any other office under the United States, or any of them: nor shall any officer appointed by Congress, or by the President and Senate of the United States, be permitted to hold any office under the appointment of any of the states.

*"Seventeenth.* As a traffic tending to establish or continue the slavery of any part of the human species, is disgraceful to the cause of liberty and humanity, that Congress shall, as soon as may be, promote and establish such laws and regulations as may effectually prevent the importation of slaves of every description into the United States.

*"Eighteenth.* That the state legislatures have power to recall, when they think it expedient, their federal senators, and to send others in their stead.

*"Nineteenth.* That Congress have power to establish a uniform rule of inhabitancy or settlement of the poor of the different states, throughout the United States.

*"Twentieth.* That Congress erect no company with exclusive advantages of commerce.

*"Twenty-first.* That when two members shall move or call for

## CHAP. II.

## The Constitution—Ratifications—Amendments, &amp;c.

1790.

1st Congress. the ayes and nays on any question, they shall be entered on the Journals of the houses respectively."

1st Congress.  
1st Session.

During the first session of the first Congress, Mr. Benson submitted to the House of Representatives a motion that the house go into committee of the whole, on the state of the Union, in order to consider the following resolution:—

1789.

Lloyd's  
Con. Reg.,  
vol. i. p. 410  
—414.

"The Congress of the United States do resolve and declare it to be their most earnest desire, that the legislature of the State of Rhode Island and Providence Plantations do recommend to the people of that state to choose delegates to meet in convention, and to whom the Constitution of the United States is to be submitted, conformably to the unanimous resolution of the United States in Congress assembled, of the 28th of September, 1787."

Some debate took place on this motion, when the previous question being demanded, it was determined that the main question should not now be put.

Applica-  
tion of Vir-  
ginia for  
amend-  
ments.

On the 5th of May, 1789, Mr. Bland, a representative from Virginia, presented to the House of Representatives the following application, in the name and behalf of the legislature and commonwealth of Virginia:—

H. Journal,  
P. 28, 29.

"VIRGINIA, TO WIT:—

"In General Assembly, November 14th, 1788.

"Resolved—That an application be made in the name and on behalf of the legislature of this commonwealth to the Congress of the United States, in the words following, to wit:—

"The good people of this commonwealth, in convention assembled, having ratified the Constitution submitted to their consideration, this legislature has, in conformity to that act, and the resolutions of the United States, in Congress assembled, to them transmitted, thought proper to make the arrangements that were necessary for carrying it into effect. Having thus shown themselves obedient to the voice of their constituents, all America will find that so far as it depended on them, that plan of government will be carried into immediate operation.

"But the sense of the people of Virginia would be but in part complied with, and but little regarded, if we went no further. In the very moment of adoption, and coeval with the ratification of the new plan of government, the general voice of the convention of this state pointed to objects no less interesting to the people we represent, and equally entitled to our attention. At



1st Congress.  
1st Session.

Applica-  
tion of Vir-  
ginia.

the same time that, from motives of affection to our sister states, the convention yielded their assent to the ratification, they gave the most unequivocal proofs that they dreaded its operation under the present form.

“In acceding to the government, under this impression, painful must have been the prospect, had they not derived consolation from a full expectation of its imperfections being speedily amended. In this resource, therefore, they placed their confidence—a confidence that will continue to support them, whilst they have reason to believe that they have not calculated upon it in vain.

“In making known to you the objections of the people of this commonwealth to the new plan of government, we deem it unnecessary to enter into a particular detail of its defects, which they consider as involving all the great and unalienable rights of free-men. For their sense on this subject, we beg leave to refer you to the proceedings of their late convention, and the sense of the house of delegates, as expressed in their resolutions of the 30th day of October, 1788.

“We think proper, however, to declare, that, in our opinion, as these objections were not founded in speculative theory, but deduced from principles which have been established by the melancholy example of other nations in different ages, so they will never be removed, until the cause itself shall cease to exist. The sooner, therefore, the public apprehensions are quieted, and the government is possessed of the confidence of the people, the more salutary will be its operations, and the longer its duration.

• “The cause of amendment we consider as a common cause: and, since concessions have been made from political motives, which, we conceive, may endanger the republic, we trust that a commendable zeal will be shown for obtaining those provisions, which experience has taught us are necessary to secure from danger the unalienable rights of human nature.

“The anxiety with which our countrymen press for the accomplishment of this important end, will ill admit of delay. The slow forms of congressional discussion and recommendation, if, indeed, they should ever agree to any change, would, we fear, be less certain of success. Happily for their wishes, the Constitution hath presented an alternative, by admitting the submission to a convention of the states. To this, therefore, we resort as the source from whence they are to derive relief from their present apprehensions.

“We do, therefore, in behalf of our constituents, in the most

1st Congress.  
1st Session.

Applica-  
tion of Vir-  
ginia.

earnest and solemn manner, make this application to Congress, that a convention be immediately called of deputies from the several states, with full power to take into their consideration the defects of this Constitution that have been suggested by the state conventions, and report such amendments thereto as they shall find best suited to promote our common interests, and secure to ourselves, and our latest posterity, the great and unalienable rights of mankind.

“JOHN JONES,

“*Speaker of Senate.*

“THOMAS MATHEWS,

“*Speaker of House of Delegates.*”

Mr. Bland moved to refer this application to a committee of the whole on the state of the Union, and the motion was seconded by Mr. Parker. But the motion was subsequently waived, and it was agreed to enter the application at large on the Journal; as it was deemed by Mr. Madison and others that Congress had no right to enter upon the subject of a convention to amend the Constitution, until required to do so by two-thirds of the states.

Mr. Lawrance, a representative from New York, presented to the house, on the following day, the following application, in the name and behalf of the legislature of that state:—

“*State of New York.*

“*In Assembly, February 5th, 1789.*

Applica-  
tion of  
New York.

“*Resolved*—If the honourable the Senate concur therein, that an application be made to the Congress of the United States of America, in the name and behalf of the legislature of this state, in the words following, to wit:—

H. Journal,  
p. 29, 30.

“The people of the state of New York having ratified the convention agreed to on the 17th day of September, in the year of our Lord 1787, by the convention then assembled at Philadelphia, in the state of Pennsylvania, as explained by the said ratification, in the fullest confidence of obtaining a revision of the said Constitution by a general convention: and in confidence that certain powers in and by the said Constitution granted, would not be exercised, until a convention should have been called and convened for proposing amendments to the said Constitution. In compliance, therefore, with the unanimous sense of the convention of this state, who all united in opinion, that such a revision was necessary to recommend the said constitu-

1st Congress.  
1st Session.

Applica-  
tion of New  
York.

tion to the approbation and support of a numerous body of their constituents; and a majority of the members of which conceived several articles of the Constitution so exceptionable, that nothing but such confidence, and an invincible reluctance to separate from our sister states, could have prevailed upon a sufficient number to assent to it, without stipulating for previous amendments; and from a conviction that the apprehensions and discontents which these articles occasion, cannot be removed or allayed, unless an act to revise the said Constitution be among the first that shall be passed by the new Congress; we, the legislature of the state of New York, do, in behalf of our constituents, in the most earnest and solemn manner, make this application to the Congress, that a convention of deputies from the several states be called as early as possible, with full powers to take the said Constitution into their consideration, and to propose such amendments thereto, as they shall find best calculated to promote our common interests, and secure to ourselves, and our latest posterity, the great and unalienable rights of mankind.

“By order of the assembly:

“JOHN LANSING, jr.,  
“Speaker.

“IN SENATE, February 7, 1789.

“By order of the Senate.

“PIERRE VAN CORTLANDT, President.”

Subject  
moved in  
the house.

The first action of Congress upon this subject was on the 8th of June, when a motion was made in the House of Representatives, that the house do come to a resolution, stating certain specific amendments proper to be proposed by Congress to the legislatures of the states, to become, if ratified by three-fourths thereof, part of the Constitution of the United States, which motion was referred to the consideration of the committee of the whole house on the state of the Union. On the 21st of July, the house, on motion, ordered that the committee of the whole house on the state of the Union be discharged from proceeding on this motion; and that the said motion, together with the amendments to the said Constitution, as proposed by the several states, be referred to a committee, to consist of a member from each state, with instruction to take the subject of amendments to the Constitution of the United States, generally, into their consideration, and to report thereupon to the house: and the fol-

H. Jou  
p. 46.

Committee  
appointed.

appointed.

lowing committee was appointed: Messrs. Vining, Madison, Baldwin, Sherman, Burke, Clymer, Benson, Gilman, Goodhue, Boudinot, and Gale. Mr. Vining made a report from this commit-

Id. p.

Id. p.

1st Congress.  
1st Session.

Considered in committee of the whole.

Amendments.

Motion submitted.

tee on the 28th of July, which was read and ordered to lie on the table. And, on the 3d of August, the house resolved, that it would, on Wednesday the 12th, resolve itself into a committee of the whole house to take the subject into consideration. On the 13th, the house went into committee of the whole on the report, which occupied the committee daily until the 18th, on which day the committee reported several amendments. Previously to the house going into committee on the 18th, the following motion was submitted:—

H. Journal,  
p. 70—82.

“That such of the amendments to the Constitution, proposed by the several states, as are not in substance comprised in the report of the select committee appointed to consider amendments, be referred to a committee of the whole house; and that all the amendments which shall be agreed to by the committee last mentioned, be included in one report.”

Id. p. 81.

The previous question having been demanded by five members—“Shall the main question, to agree to the said order, be now put?”—on the question, “Shall the main question be now put?”—the ayes and noes being required, it was decided as follows:—

*Ayes*—Messrs. Burke, Coles, Floyd, Gerry, Griffin, Grout, Hathorn, Livermore, Page, Parker, Van Rensselaer, Sherman, Stone, Sturges, Sumpter, Tucker.—16.

*Noes*—Messrs. Ames, Baldwin, Benson, Boudinot, Brown, Cadwalader, Carroll, Clymer, Fitzsimons, Foster, Gilman, Goodhue, Hartley, Heister, Huntington, Lawrance, Lee, Madison, jr., Moore, Muhlenberg, Partridge, Schureman, Scott, Sedgwick, Seney, Silvester, Sinnickson, Smith, of Maryland, Smith, of South Carolina, Thatcher, Trumbull, Vining, Wadsworth, Wynkoop.—34.

Proposition to amend Constitution.

On the 18th, it was moved that the following propositions of amendment to the Constitution of the United States be referred to a committee of the whole house; to wit:—

Id. p. 82.

“*Article 1, Section 2, Clause 2.*—At the end, add these words: ‘nor shall any person be capable of serving as a representative more than six years, in any term of eight years.’

“*Clause 3.*—At the end, add these words: ‘from and after the commencement of the year 1795, the election of senators for each state shall be annual: and no person shall be capable of serving as a senator more than five years, in any term of six years.’

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mend Con-  
stitution.

“*Section 4, Clause 1.*—Strike out the words, ‘But the Congress may, at any time, by law, make or alter such regulations, except as to the places of choosing senators.’

“*Section 5, Clause 1.*—Amend the first part to read thus: ‘Each state shall be the judge (according to its own laws) of the election of its senators and representatives to sit in Congress, and shall furnish them with sufficient credentials; but each house shall judge of the qualifications of its own members. A majority of said houses shall constitute,’ &c.

“*Clause 2.*—Strike out these words: ‘and, with the concurrence of two-thirds, expel a member;’ and insert the word ‘and,’ after the word ‘proceedings.’

“*Section 6, Clause 2.*—Amend, to read thus: ‘No person, having been elected, and having taken his seat as a senator or representative, shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States; and no person,’ &c.

“*Article 1, Section 8, Clause 1.*—At the end, add these words: ‘No direct tax shall be laid, unless any state shall have neglected to furnish, in due time, its proportion of a previous requisition; in which case, Congress may proceed to levy, by direct taxation, within any state so neglecting, its proportion of such requisition, together with interest, at the rate of six *per cent. per annum*, from the time it ought to have been furnished, and the charges of levying the same.’

“*Clause 9.*—Strike out the words, ‘tribunals inferior to the Supreme Court,’ and insert the words, ‘Courts of Admiralty.’

“*Clause 17.*—At the end, add these words: ‘*Provided*, That the Congress shall not have authority to make any law to prevent the laws of the states respectively, in which such district or places may be, from extending to such district or places in all civil and criminal matters, in which any person, without the limits of such district or places, shall be a party aggrieved.’

“*Section 9, Clause 7.*—Strike out the words, ‘without the consent of the Congress;’ and amend to read thus: ‘shall accept of any present or emolument, or hold any office or title of any kind whatever, from any king, prince, or foreign state: *Provided*, That this clause shall not be construed to affect the rights of those persons (during their own lives) who are now citizens of the United States, and hold foreign titles.’

“*Section 10, Clause 2.*—Amend the first sentence to read thus: ‘No state shall lay any duties on imports or exports, or any duty of tonnage, except such as shall be uniform in their

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operation on all foreign nations, and consistent with the existing treaties; and also uniform in their operation on the citizens of all the several states in the Union.'

"*Article 2, Section 1, Clause 5.*—At the end, add these words: 'nor shall any person be capable of holding the office of President of the United States more than eight years in any term of twelve years.'

"*Section 2, Clause 1.*—Strike out the words, 'be command-in-chief,' and insert, 'have power to direct (agreeably to law) the operations.'"

"*Clause 3.*—At the end, add these words: "He shall also have power to suspend from his office, for a time not exceeding twelve months, any officer whom he shall have reason to think unfit to be intrusted with the duties thereof; and Congress may, by law, provide for the absolute removal of officers found to be unfit for the trust reposed in them.'

"*Article 3, Section 1.*—From each sentence strike out the words, 'inferior courts,' and insert the words, 'Courts of Admiralty.'

"*Section 2, Clause 1.*—Strike out the words, 'between a state and citizens of another state,' &c., to the end, and amend to read thus: 'between a state and foreign states, and between citizens of the United States, claiming the same lands under grants of different states.'

"*Article 6, Clause 3.*—Between the word 'no,' and the word 'religious,' insert the word, 'other.'"

Negatived.

On the question of the commitment of these propositions, it was decided in the negative. H. Journal,  
p. 83, 84.

Decision  
on report  
of commit-  
tee.

On the 19th and 20th of August, the house was occupied in the consideration of the amendments made by the committee of Id. p. 85,  
86.

Adoption  
of sixteen  
articles.

the whole house to the report of the committee of eleven; and, on the 20th, the said amendments being partly agreed to, and partly disagreed to, the house proceeded to consider the original report of the committee of eleven, consisting of seventeen articles, as now amended; and the sixteen first articles were agreed to, two-thirds of the members concurring. The articles agreed to are as follows:—

"1. After the first enumeration, there shall be one representative for every thirty thousand, until the number shall amount to one hundred; after which the proportion shall be so regulated by Congress, that there shall be not less than one hundred representatives, nor less than one representative for every for-

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ty thousand persons, until the number of representatives shall amount to two hundred; after which the proportion shall be so regulated, that there shall not be less than two hundred representatives, nor less than one representative for every fifty thousand persons.

“2. No law varying the compensation of members of Congress shall take effect until an election of representatives shall have intervened.

“3. Congress shall make no law establishing religion, or prohibiting the free exercise thereof; nor shall the rights of conscience be infringed.

“4. The freedom of speech, and of the press, and the right of the people peaceably to assemble, and consult for their common good, and to apply to the government for redress of grievances, shall not be infringed.

“5. A well regulated militia, composed of the body of the people, being the best security of a free state, the right of the people to keep and bear arms shall not be infringed; but no one religiously scrupulous of bearing arms shall be compelled to render military service in person.

“6. No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, but in a manner to be prescribed by law.

“7. No person shall be subject, except in case of impeachment, to more than one trial, or one punishment for the same offence; nor shall be compelled, in any criminal case, to be witness against himself; nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

“8. Excessive bail shall not be required; nor excessive fines imposed; nor cruel and unusual punishments inflicted.

“9. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

“10. The enumeration in this Constitution of certain rights, shall not be construed to deny or disparage others retained by the people.

“11. No state shall infringe the right of trial by jury in criminal cases; nor the rights of conscience; nor the freedom of speech, or of the press.

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“12. No appeal to the Supreme Court of the United States shall be allowed where the value in controversy shall not amount to one thousand dollars; nor shall any fact, triable by a jury, according to the course of the common law, be otherwise re-examinable than according to the rules of common law.

“13. In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial; to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favour; and to have the assistance of counsel for his defence.

“14. The trial of all crimes (except in cases of impeachment, and in cases arising in the land or naval forces, or in the militia when in actual service in time of war or public danger,) shall be by an impartial jury of the vicinage, with the requisite of unanimity for conviction, the right of challenge, and other accustomed requisites; and no person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment by a grand jury; but if a crime be committed in a place in the possession of an enemy, or in which an insurrection may prevail, the indictment and trial may by law be authorized in some other place within the same state.

“15. In suits at common law, the right of trial by jury shall be preserved.

“16. The powers delegated by the Constitution to the government of the United States, shall be exercised as therein appropriated; so that the legislature shall never exercise the powers vested in the executive or judicial; nor the executive the powers vested in the legislative or judicial; nor the judicial the powers vested in the legislative or executive.”

The 17th article of amendment, reported by the committee, is as follows:—

“The powers not delegated by the Constitution, nor prohibited by it to the states, are reserved to the states respectively.”

Motion to  
amend  
17th article.

A motion was made to amend this article, by inserting, after H. Journal, the third word, (“not,”) the word “expressly.” And the P. 86. ayes and noes being required on this question, it was decided as follows:—

*Ayes*—Messrs. Burke, Coles, Floyd, Gerry, Grout, Hathorn, Jackson, Livermore, Page, Parker, Partridge, Van Rensselaer, Smith, of South Carolina, Stone, Sumpter, Thatcher, Tucker.—  
17.



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Negatived.

*Noes*—Messrs. Ames, Benson, Boudinot, Brown, Cadwalader, Carroll, Clymer, Fitzsimons, Foster, Gale, Gilman, Goodhue, Hartley, Heister, Lawrance, Lee, Madison, jr., Moore, Muhlenberg, Schureman, Scott, Sedgwick, Seney, Sherman, Silvester, Sinnickson, Smith, of Maryland, Sturges, Trumbull, Vining, Wadsworth, Wynkoop.—32.

The article was then agreed to in the original form, two-thirds of the members concurring.

Motion to  
add an-  
other arti-  
cle.

It was then moved to add to the others, the following article:—

H. Journal,  
p. 86, 87.

“Congress shall not alter, modify, or interfere in, the times, places, or manner of holding elections of senators, or representatives, except when any state shall refuse, or neglect, or be unable, by invasion or rebellion, to make such election.”

The question on this motion being required by ayes and noes, it was decided as follows:—

*Ayes*—Messrs. Burke, Coles, Floyd, Gerry, Griffin, Grout, Hathorn, Heister, Jackson, Livermore, Mathews, Moore, Page, Parker, Partridge, Van Rensselaer, Seney, Silvester, Smith, of South Carolina, Stone, Sumpter, Thatcher, Tucker.—23.

Negatived.

*Noes*—Messrs. Ames, Benson, Boudinot, Brown, Cadwalader, Carroll, Clymer, Fitzsimons, Foster, Gale, Gilman, Goodhue, Hartley, Lawrance, Lee, Madison, jr., Muhlenberg, Schureman, Scott, Sedgwick, Sherman, Sinnickson, Smith, of Maryland, Sturges, Trumbull, Vining, Wadsworth, Wynkoop.—28.

Motion to  
add an-  
other a-  
mendment.

The subject being again taken up for consideration on the 22d of August, a motion was made to add to the amendments already agreed to, the following article:—

Id. p. 87,  
88.

“The Congress shall never impose direct taxes, but where the moneys arising from the duties, imposts, and excise, are insufficient for the public exigencies; nor then, until Congress shall have made a requisition upon the states, to assess, levy, and pay, their respective proportions of such requisitions; and, in case any state shall neglect or refuse to pay its proportion pursuant to such requisition, then Congress may assess and levy such state’s proportion, together with interest thereon, at the rate of six *per cent. per annum*, from the time of payment prescribed by such requisition.”

The question on this motion being taken by ayes and noes, it was decided in the negative, by the following vote:—

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*Ayes*—Messrs. Burke, Coles, Floyd, Grout, Hathorn, Livermore, Van Rensselaer, Sumpter, Tucker.—9.

Negatived.

*Noes*—Messrs. Ames, Benson, Brown, Cadwalader, Carroll, Clymer, Fitzsimons, Foster, Gale, Gerry, Gilman, Goodhue, Hartley, Heister, Jackson, Lawrance, Lee, Madison, jr., Matthews, Moore, Muhlenberg, Page, Parker, Partridge, Schureman, Scott, Sedgwick, Seney, Sherman, Silvester, Sinnickson, Smith, of Maryland, Smith, of South Carolina, Stone, Sturges, Thatcher, Trumbull, Vining, Wadsworth.—39.

Various  
motions to  
amend.

It was then moved further to amend the Constitution, as follows:—

H. Journal,  
p. 88.

“Article 1, Section 8, Clause 9.—Strike out the words ‘tribunals inferior to the Supreme Court,’ and insert the words ‘Courts of Admiralty.’”

But this motion was decided in the negative.

A motion was then made further to amend the Constitution, as follows:—

“In the third section of the sixth article, insert the word ‘other’ between the word ‘no’ and the word ‘religious.’”

This motion was also negatived.

It was then further moved to add the following to the other amendments.

“That Congress erect no company of merchants with exclusive advantages of commerce.”

This motion was also determined in the negative.

A motion was then made to add the following amendment:—

“Congress shall at no time consent, that any person holding an office of trust or profit under the United States, shall accept of a title of nobility, or any other title or office, from any king, prince, or foreign state.”

This motion was also decided in the negative.

Committee  
to arrange  
articles.

No other proposition to amend being brought forward, the house appointed Messrs. Benson, Sherman, and Sedgwick to be a committee to prepare and report a proper arrangement of, and introduction to, the articles of amendment, as they had been agreed to. This committee, on the 24th, reported an arrangement of the articles of amendment, and a resolution proper to be prefixed to the same, which was agreed to as follows:—

H. Journal,  
p. 89.

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Report.

*“Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, two-thirds of both houses deeming it necessary—That the following articles be proposed to the legislatures of the several states, as amendments to the Constitution of the United States; all, or any of which articles, when ratified by three-fourths of the said legislatures, to be valid, to all intents and purposes, as part of the said Constitution.”*

Sent to the  
Senate.

And in this form the resolution was transmitted to the Senate s. Journal, on the 25th of August. The articles having been read *pro forma*, in the Senate, on the same day, an unsuccessful motion was made to postpone their consideration to the next session of Congress. It was then ordered that Monday, the 31st, be assigned for the consideration of the subject. The intervention of other business prevented the Senate from taking up this subject until Wednesday, the 2d of September, when the amendments were brought up for consideration. p. 63, 64.

Proposi-  
tions to a-  
mend.

The first article being before the Senate, to wit:—

“After the first enumeration required by the first article of the Constitution, there shall be one representative for every thirty thousand, until the number shall amount to *one hundred*,” &c. Id. p. 69.

A motion was made to strike out the word “one” before “hundred,” and insert the word “two.” The yeas and nays being required on this question, it was decided in the negative by the following vote:—

*Yeas*—Messrs. Dalton, Gunn, Grayson, King, Lee, Schuyler.—6.

*Nays*—Messrs. Bassett, Butler, Carroll, Ellsworth, Elmer, Henry, Johnson, Izard, Morris, Paterson, Read, Wingate.—12.

The article was then amended, by striking out all the language which succeeds in the original proposition, to wit:—

“After which, the proportion shall be so regulated by Congress, that there shall not be less than one hundred representatives, nor less than one representative for every 40,000 persons, until the number of representatives shall amount to two hundred; after which, the proportion shall be so regulated by Congress, that there shall not be less than two hundred representatives, nor less than one representative for every 50,000 persons;”—

And by substituting the following clause after the words “one hundred,” to wit:—

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"To which number one representative shall be added, for every subsequent increase of forty thousand, until the representatives shall amount to two hundred; to which one representative shall be added for every subsequent increase of sixty thousand persons."

And, in this amended form, it was agreed to.

Motions to  
amend.

On the following day, the consideration of the amendments was resumed. The second article, commencing, "No law, varying S. Journal,  
p. 70.

2d article.

the compensation *to the members of Congress*," &c., was amended, by striking out the words, "to the members of Congress," and inserting the words, "for the service of the Senate and House of Representatives of the United States."

3d article.

The third article, as it passed the house, stands thus: "Congress shall make no law establishing religion, or prohibiting the free exercise thereof; *nor shall the rights of conscience be infringed.*" The first motion to amend this article was by striking out these words: "Religion, or prohibiting the free exercise thereof," and inserting these words: "One religious sect or society in preference to others." This motion was negatived. A motion for reconsideration then prevailed, and it was moved to strike out the third article altogether; but this motion was decided in the negative. An unsuccessful attempt was then made to adopt, as a substitute for the third article, the following: "Congress shall not make any law infringing the rights of conscience, or establishing any religious sect or society." The question was then taken on the adoption of the third article, as it came from the House of Representatives, when it was decided in the negative. Finally, the words, "Nor shall the rights of conscience be infringed," were stricken out; and, in this form, the article was agreed to.

4th article.

The fourth article was then taken up, namely: "The freedom of speech and of the press, and the right of the people peaceably to assemble and consult for their common good, and to apply to the government for redress of grievances, shall not be infringed." It was moved to insert, after the words "common good," these words: "to instruct their representatives." On this question, the yeas and nays being required, it was decided as follows:—

*Yeas*—Messrs. Grayson and Lee.—2.

*Nays*—Messrs. Bassett, Carroll, Dalton, Ellsworth, Elmer, Gunn, Henry, Johnson, Izard, King, Morris, Paterson, Read, Wingate.—14.

A motion was then made to insert after the word "press," these words: "in as ample a manner as hath at any time been secured by the common law;" but this motion was unsuccessful;

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as also was a subsequent motion to strike out the words, "and consult for their common good, and." The further consideration of this article was then postponed until the next day, (the 4th,) when it was adopted in the following form:—"That Congress shall make no law abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble and consult for their common good, and to petition the government for a redress of grievances." S. Journal,  
p. 74.

5th article.

The fifth article being under consideration, in its order, a motion was made to subjoin to it the following proposition, namely: "That standing armies, in time of peace, being dangerous to liberty, should be avoided, as far as the circumstances and protection of the community will admit; and that, in all cases, the military should be under strict subordination to, and governed by, the civil power; that no standing army or regular troops shall be raised in time of peace, without the consent of two-thirds of the members present in both houses, and that no soldier shall be enlisted for any longer term than the continuance of the war." The yeas and nays being taken on this question, it was decided as follows:—

*Yeas*—Messrs. Butler, Gunn, Grayson, Henry, Lee, Wingate.—6.

*Nays*—Messrs. Carroll, Dalton, Ellsworth, Elmer, Johnson, King, Paterson, Read, Schuyler.—9.

The fifth article was then adopted; so amended as to read as follows:—"A well regulated militia being the best security of a free state, the right of the people to keep and bear arms shall not be infringed."

The sixth and seventh articles were then agreed to, as they came from the House of Representatives.

8th article.

The eighth article was then considered, and after a successful motion to strike out these words: "except in case of impeachment, to more than one trial, or one punishment;" and substitute these words: "be twice put in jeopardy of life or limb by any public prosecution;" it was agreed to.

The ninth article was agreed to, as it came from the House of Representatives.

10th article.

The tenth article was also adopted, after striking out all the clauses, except the following:—"No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment by a grand jury."

11th article.

The eleventh article being taken up for consideration, it was moved to insert, in lieu of it, the following: "The Supreme Judicial Federal Court shall have no jurisdiction of causes between

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citizens of different states, unless the matter in dispute, whether it concern the realty or personalty, be of the value of three thousand dollars at the least: nor shall the federal judicial powers extend to any action between citizens of different states, where the matter in dispute, whether it concern the realty or personalty, is not of the value of fifteen hundred dollars at the least; and no part, triable by a jury according to the course of the common law, shall be otherwise re-examinable than according to the rules of common law." This motion was determined in the negative, and the article was then adopted, in the following form: "No fact, triable by a jury according to the course of common law, shall be otherwise re-examinable in any court of the United States, than according to the rules of common law."

12th article.

On Monday, the 7th, the subject being again before the Senate, the twelfth article was agreed to, after the addition of these words: "where the consideration exceeds twenty dollars." S. Journal, P. 72.

15th article.

The thirteenth article was then agreed to as it came from the House of Representatives: and the fourteenth article was rejected. When the fifteenth article was under consideration, a motion was made to add the following to the proposed amendments; to wit: "That the general government of the United States ought never to impose direct taxes but where the moneys arising from the duties, impost, and excise, are insufficient for the public exigencies: nor then, until Congress shall have made a requisition upon the states to assess, levy, and pay their respective proportions of such requisitions; and in case any state shall neglect or refuse to pay its proportion, pursuant to such requisition, then Congress may assess and levy such state's proportion, together with interest thereon, at the rate of six *per cent. per annum*, from the time of payment prescribed by such requisition." This motion was rejected.

Motions to  
add new  
amend-  
ments.

An unsuccessful motion was then made to add the following to the proposed amendments: "That the third section of the sixth article of the Constitution of the United States ought to be amended, by inserting the word 'other,' between the words 'no,' and 'religious.'" Id. p. 73.

It was then moved, with like success, to add the following amendment to the Constitution: "That Congress shall not exercise the powers vested in them by the fourth section of the first article of the Constitution of the United States, but in cases where a state shall neglect or refuse to make regulations therein mentioned, or shall make regulations subversive of the rights of the people, to a free and equal representation in Congress, agreeably to the Constitution."

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A motion was then made, and negatived, to subjoin the following to the articles of amendment: "That Congress shall not erect any company of merchants with exclusive advantages of commerce."

A further motion was then made, without success, to add the following to the list of amendments: "That Congress shall at no time consent that any person holding an office of trust or profit under the United States, shall accept of a title of nobility, or any other title or office, from any king, prince, or foreign state."

It was then moved, to subjoin the following to the amendments: "That no person indebted to the United States shall be entitled to a seat in either branch of the legislature;" and this motion also was negatived.

The fifteenth article of amendment was then agreed to; and the sixteenth article was rejected.

17th article.

The seventeenth article was then considered; and a motion to amend, by inserting the word "expressly" before the word "delegated" having been negatived, the article in the following amended form was agreed to—"The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people."

Preamble.

A motion was then made to amend the preamble: but the further consideration of this motion was postponed until to-morrow. And, on the 8th of September, the consideration was resumed of this motion to amend, by preceding the preamble proposed by the House of Representatives as follows: "The conventions of a number of the states having, at the time of their adopting the Constitution, expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added; and, as extending the grounds of public confidence in the government will best ensure the beneficent ends of its institution." The question being taken on this motion to amend, it passed in the affirmative. The preamble was then further amended in the line reading thus: "two-thirds of both houses *deeming it necessary*," by striking out the words "*deeming it necessary*" and inserting the word "concurring."

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add new  
amend-  
ments.

It was then moved to add the following clause to the articles of amendment: "That there are certain natural rights, of which men, when they form a social compact, cannot deprive or divest their posterity; among which are the enjoyment of life and liberty, with the means of acquiring, possessing, and protecting property, and pursuing and obtaining happiness and safety." This motion was determined in the negative.

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The following propositions to add new articles of amendment were then successively made and decided in the negative.

Amend-  
ments pro-  
posed and  
rejected.

1. "That all power is naturally vested in, and, consequently, derived from, the people; that magistrates, therefore, are their trustees and agents, and, at all times, amenable to them. *S. Journal, P. 74—76.*

2. "That government ought to be instituted for the common benefit, protection, and security of the people; and that the doctrine of non-resistance against arbitrary power and oppression is absurd, slavish, and destructive of the good and happiness of mankind.

3. "That no man, or set of men, are entitled to exclusive or separate public emoluments or privileges from the community, but in consideration of public services, which, not being descendible, neither ought the offices of magistrate, legislator, or judge, or any other public officer, to be hereditary.

4. "That the legislative, executive, and judicial powers of government should be separate and distinct, and that the members of the two first may be restrained from oppression, by feeling and participating the public burdens: they should, at fixed periods, be reduced to a private station, return into the mass of the people, and the vacancies be supplied by certain and regular elections, in which all or any part of the former members to be eligible or ineligible, as the rules of the constitution of government and the laws shall direct.

5. "That every freeman restrained of his liberty, is entitled to a remedy, to inquire into the lawfulness thereof, and to remove the same, if unlawful, and that such remedy ought not to be denied nor delayed.

6. "That every freeman ought to find a certain remedy, by recourse to the laws, for all injuries and wrongs he may receive in his person, property, or character; he ought to obtain right and justice, freely, without sale; completely, and without denial; promptly, and without delay; and that all establishments or regulations contravening these rights, are oppressive and unjust.

7. "That the members of the Senate and House of Representatives shall be ineligible to, and incapable of, holding any civil office under the authority of the United States, during the time for which they shall respectively be elected.

8. "That the Journals of the proceedings of the Senate and House of Representatives shall be published, at least, once in every year, except such parts thereof relating to treaties, alliances, or military operations, as, in their judgment, require secrecy.



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ments pro-  
posed and  
rejected.

9. "That a regular statement and account of the receipts and expenditures of all public money, shall be published at least once in every year.

10. "That no commercial treaty shall be ratified without the concurrence of two-thirds of the whole number of the members of the Senate; and no treaty, ceding, contracting, restraining, or suspending the territorial rights or claims of the United States, or any of them, or their, or any of their rights or claims to fishing in the American seas, or navigating the American rivers, shall be but in cases of the most urgent and extreme necessity; nor shall any such treaty be ratified without the concurrence of three-fourths of the whole number of the members of both houses respectively.

11. "That no navigation law, or law regulating commerce, shall be passed without the consent of two-thirds of the members present in both houses.

12. "That no standing army, or regular troops, shall be raised or kept up in time of peace, without the consent of two-thirds of the members present in both houses.

13. "That no soldier shall be enlisted for any longer term than four years, except in time of war, and then for no longer term than the continuance of the war.

14. "That each state, respectively, shall have the power to provide for organizing, arming, and disciplining its own militia, whensoever Congress shall omit or neglect to provide for the same; that the militia shall not be subject to martial law, except when in actual service, in time of war, invasion, or rebellion; and when not in the actual service of the United States, shall be subject only to such fines, penalties, and punishments, as shall be directed or inflicted by the laws of its own state.

15. "That the exclusive power of legislation given to Congress over the federal town and its adjacent district, and other places purchased or to be purchased by Congress of any of the states, shall extend only to such regulations as respect the police and good government thereof.

16. "That no person shall be capable of being President of the United States for more than eight years in any term of sixteen years.

17. "That the judicial power of the United States shall be vested in one Supreme Court, and in such Courts of Admiralty as Congress may, from time to time, ordain and establish in any of the different states: the judicial powers shall extend to all cases in law and equity, arising under treaties made, or which shall

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ments pro-  
posed and  
rejected.

made, under the authority of the United States; to all cases affecting ambassadors, other foreign ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more states; and between parties claiming lands under the grants of different states. In all cases affecting ambassadors, other foreign ministers, and consuls, and those in which a state shall be a party, the Supreme Court shall have original jurisdiction: in all other cases before mentioned, the Supreme Court shall have appellate jurisdiction as to matters of law only, except in cases of equity, and of admiralty and maritime jurisdiction, in which the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations, as the Congress shall make. But the judicial power of the United States shall extend to no case where the cause of action shall have originated before the ratification of this Constitution; except in disputes between states about their territory; disputes between persons claiming lands under the grants of different states, and suits for debts due to the United States."

18. "That Congress shall not alter, modify, or interfere in, the times, places, or manner, of holding elections for senators and representatives, or either of them, except when the legislature of any state shall neglect, refuse, or be disabled, by invasion or rebellion, to prescribe the same."

19. "That some tribunal, other than the Senate, be provided for trying impeachments of senators."

20. "That the salary of a judge shall not be increased or diminished during his continuance in office, otherwise than by general regulations of salary, which may take place on a revision of the subject, at stated periods of not less than seven years, to commence from the time such salaries shall be first ascertained by Congress."

All these propositions to amend having been disposed of, the further consideration of the amendments was postponed until the following day.

On the 9th of September, the subject was resumed. The third *S. Journal*, article was then amended to read as follows: "Congress shall *P. 77.* make no law establishing articles of faith, or a mode of worship, or prohibiting the free exercise of religion, or abridging the freedom of speech, or the press, or the right of the people peaceably to assemble, and petition to the government for the redress of grievances."

The fourth article was then stricken out.

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ments pro-  
posed and  
rejected.

The fifth article was then again made the subject of an amendment. It was moved, to insert the words, "for the common defence," but the motion was not successful. A motion to strike out the words, "the best," in the second line, and to insert, in lieu thereof, the words, "necessary to the," prevailed. The article was then further amended, by striking out the word "fifth," after "article the," and inserting the word "fourth," and by making the article read as follows: "A well regulated militia being [necessary to\*] the security of a free state, the right of the people to keep and bear arms shall not be infringed."

A motion was then made, and agreed to, to alter article the sixth, so as to stand article the fifth; and article the seventh, so as to stand article the sixth; and article the eighth, so as to stand article the seventh.

The last named article was then amended, so as to read as follows: "No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war or public danger; nor shall any person be subject to be put in jeopardy of life or limb, for the same offence; nor shall be compelled, in any criminal case, to be a witness against himself; nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation."

The ninth article was then amended, so as to read "eighth." The tenth and eleventh articles were then stricken out; and the twelfth article was so amended as to read "ninth." This article was then so amended as to read as follows: "In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact, tried by a jury, shall be otherwise re-examined in any court of the United States than according to the rules of common law."

A motion was then made to reconsider article the tenth, and to restore the words following: "The trial of all crimes (except in cases of impeachment, and in cases arising in the land or naval forces, or in the militia when in actual service, in time of war or public danger,) shall be by an impartial jury of the vicinage, with the requisite of unanimity for conviction, the right of challenge, and other accustomed requisites." On this question, the yeas and nays being required, it was decided as follows:—

\* The words between brackets are, by mistake, omitted in the Journal.

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poses of  
the amend-  
ments.

*Yeas*—Messrs. Bassett, Dalton, Grayson, Gunn, Henry, Lee, Paterson, Schuyler.—8.

*Nays*—Messrs. Carroll, Ellsworth, Johnson, Izard, King, Morris, Read, Wingate.—8.

The numbers being equal, the question was lost.

The numbers of the remaining articles were then changed, to correspond with the other changes which had been made; and the concurrence of the Senate in the resolution of the House, with amendments, was then ordered to be communicated to the House of Representatives.

House acts  
upon them.

On the 19th of September, the House of Representatives made some progress in the consideration of the amendments made by the Senate: and, on the 21st, the House adopted the following resolutions:—

H. Journal,  
p. 115, 116.

*Resolved*—That this house doth agree to the second, fourth, eighth, twelfth, thirteenth, sixteenth, eighteenth, nineteenth, twenty-fifth, and twenty-sixth amendments: and doth disagree to the first, third, fifth, sixth, seventh, ninth, tenth, eleventh, fourteenth, fifteenth, seventeenth, twentieth, twenty-first, twenty-second, twenty-third, and twenty-fourth amendments, proposed by the Senate to the said articles, two-thirds of the members present concurring on each vote:

House de-  
sires a con-  
ference.

*Resolved*—That a conference be desired with the Senate on the subject matter of the amendments disagreed to, and that Mr. Madison, Mr. Sherman, and Mr. Vining, be appointed managers of the same on the part of this house."

On receiving these resolutions from the house, the Senate determined to recede from their third amendment, and to insist on all the others: at the same time the Senate passed the following resolution:—

S. Journal,  
p. 84.Senate a-  
grees to a  
confer-  
ence.

*Resolved*—That the Senate do concur with the House of Representatives in a conference on the subject matter of disagreement on the said articles of amendment, and that Messrs. Ellsworth, Carroll, and Paterson, be managers of the conference on the part of the Senate."

Report  
and resolu-  
tions of  
House of  
Represent-  
atives.

On the 23d, Mr. Madison made a report to the House of Representatives on the subject, which was taken up for consideration on the 24th; whereupon,

H. Journal,  
p. 120—  
122.

*Resolved*—That this house doth recede from their disagreement to the first, third, fifth, sixth, seventh, ninth, tenth, eleventh, fourteenth, fifteenth, seventeenth, twentieth, twenty-first,

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twenty-second, twenty-third, and twenty-fourth amendments, insisted on by the Senate: *Provided*, That the two articles which by the amendments of the Senate are now proposed to be inserted as the third and eighth articles, shall be amended to read as followeth:—

*“Article the third.* Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.”

*“Article the eighth.* In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed; which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favour; and to have the assistance of counsel for his defence.

*“And provided, also,* That the first article be amended by striking out the word ‘less,’ in the last place of the said first article, and inserting, in lieu thereof, the word ‘more.’”

The question on agreeing to the alteration and amendment of the eighth article, to make it read as above, being taken by ayes and noes, was determined by the following vote:—

*Ayes*—Messrs. Ames, Baldwin, Benson, Boudinot, Brown, Cadwalader, Carroll, Clymer, Contee, Fitzsimons, Foster, Gale, Gilman, Goodhue, Griffin, Hartley, Lee, Leonard, Madison, jr., Moore, Muhlenberg, Parker, Partridge, Schureman, Scott, Seneey, Sherman, Silvester, Sinnickson, Smith, of Maryland, Smith, of South Carolina, Stone, Thatcher, Trumbull, Vining, White, Wynkoop.—37.

*Noes*—Messrs. Bland, Burke, Coles, Floyd, Gerry, Grout, Hathorn, Jackson, Livermore, Mathews, Page, Van Rensselaer, Sumpter, Tucker.—14.

The house then passed the following resolution:—

*“Resolved*—That the President of the United States be requested to transmit to the executives of the several states, which have ratified the Constitution, copies of the amendments proposed by Congress to be added thereto; and like copies to the executives of the states of Rhode Island and North Carolina.”

In the Senate, on the 24th, Mr. Ellsworth made the following report:—

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the Senate.

“That it will be proper for the House of Representatives to agree to the said amendments, proposed by the Senate, with an amendment to their fifth amendment, so that the third article shall read as follows:—‘Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and petition the government for a redress of grievances:’ and, with an amendment to the fourteenth amendment proposed by the Senate, so that the eighth article, as numbered in the amendments proposed by the Senate, shall read as follows:—‘In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the district wherein the crime shall have been committed, as the district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; and to have compulsory process for obtaining witnesses in his favour; and to have the assistance of counsel for his defence.’”

S. Journal,  
p. 86.

“The managers were also of opinion that it would be proper for both houses to agree to amend the first article, by striking out the word ‘less,’ in the last line but one, and inserting in its place the word ‘more,’ and, accordingly, recommend that the said article be reconsidered for that purpose.”

This report was ordered to lie for consideration. In the mean time, the resolutions of the House were communicated to the Senate; and on the 25th, the Senate adopted the following resolution:—

Id. p. 87,  
88.Senate  
concurs  
with  
House.

“Resolved—That the Senate do concur in the amendments proposed by the House of Representatives to the amendments of the Senate.”

And on the following day, the Senate acquiesced in the resolution of the House, requesting the President of the United States to transmit copies of the amendments to the executives of the respective states.

Id. p. 90.

Form in  
which the  
amend-  
ments passed.

The form in which the amendments finally passed the two houses, is as follows:—

Id. p. 96,  
97.

## “PROPOSED AMENDMENTS TO THE CONSTITUTION:

“The conventions of a number of the states having, at the time of their adopting the Constitution, expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added; and as extending the ground of public confidence in the government will best ensure the beneficent ends of its institution—

“Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, two-thirds of both houses

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concurring—That the following articles be proposed to the legislatures of the several states, as amendments to the Constitution of the United States, all or any of which articles, when ratified by three-fourths of the said legislatures, to be valid, to all intents and purposes, as part of the said Constitution, viz:—

“Articles in addition to, and amendment of, the Constitution of the United States of America, proposed by Congress, and ratified by the legislatures of the several states, pursuant to the fifth article of the original Constitution:—

Amend-  
ments.

“*Article I.* After the first enumeration, required by the first article of the Constitution, there shall be one representative for every thirty thousand, until the number shall amount to one hundred; after which, the proportion shall be so regulated by Congress, that there shall be not less than one hundred representatives, nor less than one representative for every forty thousand persons, until the number of representatives shall amount to two hundred; after which, the proportion shall be so regulated by Congress, that there shall not be less than two hundred representatives, nor more than one representative for every fifty thousand persons.

“*Art. II.* No law, varying the compensation for the services of the senators and representatives, shall take effect until an election of representatives shall have intervened.

“*Art. III.* Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

“*Art. IV.* A well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

“*Art. V.* No soldier shall, in time of peace, be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

“*Art. VI.* The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

“*Art. VII.*—No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia when in actual service, in time of war or public danger; nor shall any person be subject, for the same

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ments.

offence, to be twice put in jeopardy of life or limb; nor shall be compelled, in any criminal case, to be a witness against himself; nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

“*Art. VIII.*—In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law; and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favour; and to have the assistance of counsel for his defence.

“*Art. IX.* In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact, tried by a jury, shall be otherwise re-examined in any court of the United States, than according to the rules of common law.

“*Art. X.* Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

“*Art. XI.* The enumeration in the Constitution of certain rights, shall not be construed to deny or disparage others retained by the people.

“*Art. XII.* The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.”

“FREDERICK AUGUSTUS MUHLENBERG,

“*Speaker of the House of Representatives.*

“JOHN ADAMS,

“*Vice-President of the United States,  
and President of the Senate.*

“*Attest,*

“JOHN BECKLEY, *Clerk of the House of Representatives.*

“SAMUEL A. OTIS, *Secretary of the Senate.*”

## SECOND SESSION.

1st Congress.  
2d Session.

On the 25th of January, 1790, the first ratification of the amendments was transmitted to the two houses by the President of the United States, accompanied by the following message:—

1790.



1st Congress.  
2d Session.

*“United States, January 25, 1790.*

*“Gentlemen of the Senate, and House of Representatives:—*

Ratifica-  
tion by  
Maryland.

“I have received from his Excellency John E. Howard, Governor of the state of Maryland, an act of the legislature of Maryland, to ratify certain articles in addition to, and amendment of, the Constitution of the United States of America, proposed by Congress to the legislatures of the several states; and have directed my secretary to lay a copy of the same before you, together with a copy of a letter accompanying the above act, from his Excellency, the Governor of Maryland, to the President of the United States.

S. Journal,  
p. 108.

H. Journal,  
p. 155, 156.

“The originals will be deposited in the office of the secretary of state.

“G. WASHINGTON.”

The letter of the governor of Maryland encloses the following act of the legislature of that state:—

*“An Act to ratify certain articles in addition to, and amendment of, the Constitution of the United States of America, proposed by Congress to the Legislatures of the several States.*

“Whereas it is provided, by the fifth article of the Constitution of the United States of America, that Congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to the said Constitution, or, on the application of the legislatures of two-thirds of the several states, shall call a convention for proposing amendments; which, in either case, shall be valid to all intents and purposes as part of the said Constitution, when ratified by the legislatures of three-fourths of the several states; or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress. And whereas, at a session of the United States, begun and held at the city of New York, on Wednesday, the fourth day of March, in the year of our Lord one thousand seven hundred and eighty-nine, it was *resolved*, by the Senate and House of Representatives of the said United States in Congress assembled, two-thirds of both houses concurring, that the following articles be proposed to the legislatures of the several states as amendments to the Constitution of the United States, all, or any of which articles, when ratified by three-fourths of the said legislatures, to be valid to all intents and purposes as part of the

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said Constitution. [Here follow the several articles of amendment in the words agreed to by Congress.]

*"Be it enacted, by the General Assembly of Maryland—That the aforesaid articles, and each of them, be, and they are hereby, confirmed and ratified,*

*"By the House of Delegates, December 17, 1789. Read, and assented to.*

*"By order: W. HARWOOD, Clerk.*

*"By the Senate, December 19, 1789. Read, and assented to.*

*"By order: H. RIDGELY, Clerk.*

*"I. E. HOWARD, (Seal appendant.)"*

On the 15th of February, the action of the legislature of New Hampshire was communicated by the following message from the President of the United States:—

*"United States, February 15, 1790.*

*"Gentlemen of the Senate, and House of Representatives:—*

Ratifica-  
tion of New  
Hamp-  
shire.

*"I have directed my secretary to lay before you the copy of H. Journal, a vote of the legislature of the state of New Hampshire, to accept the articles proposed in addition to, and amendment of, the Constitution of the United States of America, except the second article: at the same time will be delivered to you the copy of a letter from his Excellency the Governor of the State of New Hampshire, to the President of the United States.*

*"The originals of the above-mentioned vote and letter will be lodged in the office of the secretary of state.*

*"G. WASHINGTON."*

*"Durham, in New Hampshire, January 29, 1790.*

*"Sir: I have the honour to enclose you, for the information of Congress, a vote of the assembly of this state, to accept all the articles of amendment to the Constitution of the United States, except the second, which was rejected.*

*"I have the honour to be,*

*"With the most profound respect,*

*"Sir,*

*"Your most obedient and very humble servant,*

*"JOHN SULLIVAN.*

*"The President of the United States."*

### STATE OF NEW HAMPSHIRE.

*"In the House of Representatives, January 25, 1790.*

*"Upon reading and maturely considering the proposed amendments to the federal Constitution,*

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*"Voted—To accept the whole of said amendments, except the second article; which was rejected.*

*"Sent up for concurrence.*

*"THOMAS BARTLETT, Speaker.*

*"In SENATE, the same day, read and concurred.*

*"I. PEARSON, Secretary."*

Ratifica-  
tion of  
South Ca-  
rolina.

On the 20th of February, the members from South Carolina presented to the House of Representatives an act "for ratifying, on the part of that state, the several articles of amendment to the Constitution of the United States, proposed by Congress; and, on the 1st of April, the following message was sent to the two houses by the President of the United States:—

H. Journal,  
p. 164, 167.

*"United States, April 1, 1790.*

*"Gentlemen of the Senate, and House of Representatives:—*

*"I have directed my private secretary to lay before you a copy of the adoption, by the legislature of South Carolina, of the articles proposed by Congress to the legislatures of the several states, as amendments to the Constitution of the United States, together with the copy of a letter from the Governor of the state of South Carolina to the President of the United States, which have lately come to my hands.*

S. Journal,  
p. 126, 127.

*"The originals of the foregoing will be lodged in the office of the secretary of state.*

*"G. WASHINGTON."*

*"Charleston, January 28th, 1790.*

*"Sir: I have the honour to transmit you the entire adoption, by the legislature of this state, of the amendments proposed to the Constitution of the United States.*

*"I am,*

*"With the most perfect esteem and respect,*

*"Your most obedient servant,*

*"CHARLES PINCKNEY.*

*"To the President of the United States."*

*"In the House of Representatives,*

*"January 18, 1790.*

*"The house took into consideration the report of the committee, to whom was referred the resolution of the Congress of the United States, of the fourth day of March, one thousand seven hundred and eighty-nine, proposing amendments to the Constitution of the United States, viz: [Here follow the several articles*

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of amendment, in the words agreed to by Congress,] which being read through, was agreed to; whereupon,

“*Resolved*—That this house do adopt the several articles; and that they become a part of the Constitution of the United States.

“*Resolved*—That the resolutions be sent to the Senate for their concurrence.

“By order of the House.

“JACOB READ,

“*Speaker of the House of Representatives.*”

“*In the Senate, January 19, 1790.*

“*Resolved*—That this house do concur with the House of Representatives in the foregoing resolutions.

“By order of the Senate.

“D. DE SAUSURE,

“*President of the Senate.*”

On the 8th of March, the President of the United States communicated to the two houses the ratification of the state of Delaware, as follows:—

S. Journal,  
p. 118.  
H. Journal,  
p. 170.

“*United States, March 8, 1790.*

“*Gentlemen of the Senate, and House of Representatives:—*

Ratifica-  
tion of De-  
laware.

“I have received from his Excellency Joshua Clayton, Governor of the state of Delaware, the articles proposed by Congress to the legislatures of the several states, as amendments of the Constitution of the United States; which articles were transmitted to him for the consideration of the legislature of Delaware, and are now returned with the following resolutions annexed to them; namely,—

“THE GENERAL ASSEMBLY OF DELAWARE,

“Having taken into their consideration the above amendments, proposed by Congress to the respective legislatures of the several states,

“*Resolved*—That the first article be postponed.

“*Resolved*—That the general assembly do agree to the second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, and twelfth articles; and we do hereby assent to, ratify, and confirm the same, as part of the Constitution of the United States.

“In testimony whereof, we have caused the great seal of the state to be hereunto affixed, this twenty-eighth day

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of January, in the year of our Lord one thousand seven hundred and ninety, and in the fourteenth year of the Independence of the Delaware state.

“Signed by order of the Council,

“GEORGE MITCHELL, *Speaker*.

“Signed by order of the House of Assembly,

“JEHU DAVIS, *Speaker*.”

“I have directed a copy of the letter which accompanied the said articles, from his Excellency Joshua Clayton, to the President of the United States, to be laid before you.

“The above-mentioned articles, and the original of the letter, will be lodged in the office of the secretary of state.

“G. WASHINGTON.”

“*Delaware, February 19, 1790.*

“*Sir*: Agreeably to the directions of the General Assembly of this state, I do myself the honour to enclose your Excellency the ratification of the articles proposed by Congress to be added to the Constitution of the United States, and am, with every sentiment of esteem,

“*Sir*,

“Your Excellency’s most obedient, humble servant,

“JOSHUA CLAYTON.”

“*His Excellency*, GEORGE WASHINGTON,

“*President of the United States*.”

On the 16th of March, the following message from the President of the United States was communicated to the two houses:—

H. Journal,  
p.175, 176.

“*United States, March 16, 1790.*

S. Journal,  
p.120, 121.

“*Gentlemen of the Senate, and House of Representatives*:—

Ratifica-  
tion of  
Pennsylv-  
ania.

“I have directed my secretary to lay before you the copy of an act, and the form of ratifications of certain articles of amendment to the Constitution of the United States, by the legislature of the state of Pennsylvania; together with the copy of a letter which accompanied the said act, from the speaker of the House of Assembly, of Pennsylvania, to the President of the United States. The originals of the above will be lodged in the office of the secretary of state.

“G. WASHINGTON.”

[The letter of the speaker, referred to in the above message, is merely to certify that the following is “an exact and true exemplification of the act whereof it purports to be a copy.”]

1st Congress.  
2d Session.

*"An Act declaring the assent of this state to certain Amendments to the Constitution of the United States.*

"Section 1. Whereas, in pursuance of the fifth article of the Constitution of the United States, certain articles of amendment to the said Constitution have been proposed by the Congress of the United States, for the consideration of the legislatures of the several states; and whereas this house, being the legislature of the state of Pennsylvania, having maturely deliberated thereupon, have resolved to adopt and ratify the articles hereafter enumerated, as part of the Constitution of the United States:

"Section 2. *Be it enacted, therefore, and it is hereby enacted by the representatives of the freemen of the commonwealth of Pennsylvania, in General Assembly met, and by the authority of the same, That the following amendments to the Constitution of the United States, proposed by the Congress thereof, namely:—*

[Here follow the third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, and twelfth articles, which were proposed by Congress to the legislatures of the several states, as amendments to the Constitution of the United States.]

"Be, and they are hereby ratified, in behalf of this state, to become, when ratified by the legislatures of three-fourths of the several states, part of the Constitution of the United States.

"Signed by order of the House:

"RICHARD PETERS, *Speaker.*"

"Enacted into a law, at Philadelphia, on Wednesday, the tenth day of March, in the year of our Lord one thousand seven hundred and ninety.

"PETER ZACHARY LLOYD,

"*Clerk of the General Assembly.*"

The usual certificates were appended.

On the 5th of April, the President of the United States transmitted to Congress the ratification of the legislature of New York, as follows:—

S. Journal,  
p. 128, 129.  
H. Journal,  
p. 188, 189.

"The people of the state of New York, by the grace of God free and independent,

"*To all to whom these presents shall come, or may concern, Greeting:*

Ratifica-  
tion of New  
York.

"Know ye, that we, having inspected the records remaining in our secretary's office, do find there a certain act of our legislature, in the words and figures following: "An act ratifying certain articles in addition to, and amendment of, the Constitution of the United States of America, proposed by the Congress:—

1st Congress.  
1st Session.

Whereas, by the fifth article of the Constitution of the United States of America, it is provided that the Congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to the said Constitution; which shall be valid, to all intents and purposes, as part of the said Constitution, when ratified by the legislatures of three-fourths of the several states, or by conventions in three-fourths thereof; as the one or the other mode of ratification may be proposed by the Congress: And whereas, in the session of the Congress of the United States of America, begun and held at the city of New York, on Wednesday, the fourth of March, one thousand seven hundred and eighty-nine, it was resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, two-thirds of both houses concurring, that the following articles be proposed to the legislatures of the several states, as amendments to the Constitution of the United States, all or any of which articles, when ratified by three-fourths of the said legislatures, to be valid, to all intents and purposes, as part of the said Constitution, namely: Articles in addition to, and amendment of, the Constitution of the United States of America, proposed by Congress, and ratified by the legislatures of the several states, pursuant to the fifth article of the original Constitution:—

[Here follow the several articles.]

“And whereas the legislature of this state have considered the said articles, and do agree to the same, except the second article:—

“Therefore be it enacted by the people of the state of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, that the said articles, except the second, shall be, and hereby are ratified by the legislature of this state.

“*State of New York,*

“*In Assembly, February 22, 1790.*

“This bill having been read the third time:—*Resolved*—That the bill do pass.

“By order of the assembly,

“GULIAN VERPLANCK, *Speaker.*”

“*State of New York,*

“*In Senate, February 24, 1790.*

“This bill having been read a third time:—*Resolved*—That the bill do pass.

“By order of the Senate,

“ISAAC ROOSEVELT,

“*President, pro hac vice.*”

1st Congress.  
2d Session.

" *Council of Revision,*

" *February 27, 1790.*

" *Resolved*—That it does not appear improper to the council, that this bill, entitled 'An act ratifying certain articles in addition to, and amendment of, the Constitution of the United States of America, proposed by the Congress,' should become a law of this state.

" *GEORGE CLINTON.*"

On the 11th of June, the ratification of the state of North Carolina was communicated to Congress in the following manner, by the President of the United States.

S. Journal,  
p. 154, 155.  
H. Journal,  
p. 240.

" *Gentlemen of the Senate, and House of Representatives:—*

Ratifica-  
tion of  
North Ca-  
rolina.

" I have directed my secretary to lay before you a copy of the ratification of the amendments to the Constitution of the United States by the state of North Carolina, together with an extract from a letter accompanying said ratification, from the governor of the state of North Carolina to the President of the United States.

" *G. WASHINGTON.*

" *United States, June 11, 1790.*"

" *Extract of a Letter from his Excellency Alexander Martin, Governor of the State of North Carolina, to the President of the United States.*

" *Rockingham, May the 25th, 1790.*

" Sir: I do myself the honour to transmit you, herewith enclosed, an act of the General Assembly of this state, passed at their last session, entitled 'An act to ratify the amendments to the Constitution of the United States.'

" *An Act to ratify the Amendments to the Constitution of the United States.*

" Whereas the Senate and House of Representatives of the United States of America, in Congress assembled, on the fourth day of March, did resolve, two-thirds of both houses concurring, that the following articles be proposed to the legislatures of the several states, as amendments to the Constitution of the United States, all or any of which articles, when ratified by three-fourths of the said legislatures, to be valid, to all intents and purposes, as part of the said Constitution:—

[Here follow the several articles of amendments *verbatim*, as proposed by Congress to the legislatures of the several states.]

" Be it therefore enacted by the General Assembly of the state of North Carolina, and it is hereby enacted by the authority of



1st Congress.  
2d Session.

the same, that the said amendments, agreeably to the fifth article of the original Constitution, be held and ratified on the part of this state, as articles in addition to, and amendment of, the Constitution of the United States of America.

“Read three times, and ratified in General Assembly, this 22d day of December, A. D. 1789.

“CHARLES JOHNSON, S. S.

“S. CABARRUS, S. H. C.”

It is not deemed essential in this instance, or any case, to give the formal certificates which accompany the letters and acts to attest their authenticity.

The President of the United States, on the 30th of June, by the following message, informed the two houses of the ratification of the amendments by the state of Rhode Island:—

S. Journal,  
p. 171.  
H. Journal,  
p. 254.

“*Gentlemen of the Senate, and House of Representatives:—*

Ratifica-  
tion of  
Rhode  
Island.

“An act of the legislature of the state of Rhode Island and Providence Plantations, for ratifying certain articles as amendments to the Constitution of the United States, was yesterday put into my hands; and I have directed my secretary to lay a copy of the same before you.

“G. WASHINGTON.

“*United States, June 30, 1790.*”

#### “STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS.

“*In General Assembly, June session, A. D. 1790.*

“An act for ratifying certain articles as amendments to the Constitution of the United States of America, and which were proposed by the Congress of the said states at their session in March, A. D. 1789, to the legislatures of the several states, pursuant to the fifth article of the aforesaid Constitution.

“Be it enacted by this General Assembly, and by the authority thereof, it is hereby enacted, that the following articles, proposed by the Congress of the United States of America, at their session in March, A. D. 1789, to the legislatures of the several states, for ratification, as amendments to the Constitution of the said United States, pursuant to the fifth article of the said Constitution, be, and the same are hereby, fully assented to and ratified on the part of this state: to wit:

[Here follow all the articles, except the second.]

“It is *ordered*, That his Excellency the governor be, and he is hereby, requested to transmit to the President of the said

1st Congress.  
2d Session.

United States, under the seal of this state, a copy of this act, to be communicated to the Senate and House of Representatives of the Congress of the said United States.

“A true copy, duly examined.

“*Witness,*      HENRY WARD, *Secretary.*”

On the 6th of August, the President of the United States, by the following message, communicated to Congress the ratification of the state of New Jersey. S. Journal,  
p. 201, 202.  
H. Journal,  
p. 292.

“*Gentlemen of the Senate, and House of Representatives:—*

Ratifica-  
tion of New  
Jersey.

“I have directed my secretary to lay before you a copy of an exemplified copy of a law to ratify, on the part of the state of New Jersey, certain amendments to the Constitution of the United States, together with a copy of a letter which accompanied said ratification, from the Hon. Elisha Lawrence, Esq., Vice-President of the state of New Jersey, to the President of the United States.

“G. WASHINGTON.

“*United States, August 6, 1790.*”

“*Burlington, August 4, 1790.*

“*Sir:* I have the honour to transmit an exemplified copy of a law of the state of New Jersey, ratifying certain amendments to the Constitution of the United States.

“I have the honour to be,

“Your most obedient, humble servant,

“ELISHA LAWRENCE.

“*The President of the United States.*”

#### “STATE OF NEW JERSEY.

“*An Act to ratify, on the part of this State, certain Amendments to the Constitution of the United States.*

“Whereas the Congress of the United States, begun and held at the city of New York, on Wednesday, the fourth day of March, one thousand seven hundred and eighty-nine, *resolved*, two-thirds of both houses concurring, that sundry articles be proposed to the legislatures of the several states, as amendments to the Constitution of the United States, all, or any of which articles, when ratified by three-fourths of the said legislatures, to be valid, to all intents and purposes, as part of the said Constitution; and whereas, the President of the United States did, in pursuance of a resolve of the Senate and House of Representatives of the United States of America in Congress assembled,

## HISTORY OF CONGRESS.

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The Constitution—Ratifications—Amendments, &c.

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1790.

- transmit to the governor of this state the amendments proposed
- by Congress, which were by him laid before the legislature, for their consideration: wherefore,

“ 1. Be it enacted by the Council and General Assembly of this state, and, by the authority of the same, it is hereby enacted, that the following articles proposed by Congress in addition to, and amendment of, the Constitution of the United States; to wit: [Here follow, *verbatim*, the first, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, and twelfth articles of the said amendments proposed by Congress to the legislatures of the several states,] be, and the same are, hereby ratified and adopted by the state of New Jersey.

“ *Council Chamber, November 20, 1789.*

“ This bill having been three times read in council, resolved that the same do pass.

“ By order of the house:

“ WILLIAM LIVINGSTON, *President.*”

“ *House of Assembly, November, 18, 1789.*

“ This bill having been three times read in this house, resolved that the same do pass.

“ By order of the house:

“ JOHN BEATTY, *Speaker.*”

It appears, therefore, that the ratifications of the amendments, by the following nine states; namely, Maryland, New Hampshire, South Carolina, Delaware, Pennsylvania, New York, North Carolina, Rhode Island, and New Jersey, were received by the first Congress; that the *first* article was rejected by *two* of the states; namely, Delaware and Pennsylvania;\* and that the *second* article was rejected by *five* of the states; namely, New Hampshire, Pennsylvania, New York, Rhode Island, and New Jersey. No ratifications had been received from the states of Massachusetts, Connecticut, Virginia, or Georgia.

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- 1. On the 26th of October, 1791, the President of the United
  - States communicated to Congress—“ An act of the legislature of
  - 1. Pennsylvania, ratifying on behalf of said state, the first article of
  - 2. amendment to the Constitution of the United States, as proposed
  - 3. by Congress.”

1791.

S. Journal,  
p. 328.  
H. Journal,  
p. 439.

■ \* The ratification of the first article by Pennsylvania was received by the second Congress.

| CHAP. II.   | The Constitution—Ratifications—Amendments, &c.   | 1791.  |
|---|--|--|
| 2d Congress.<br>1st Session.                                  | <p>On the 14th of November, a message from the President of the United States, was received by the two houses, announcing the ratification of the first article of the amendments by the General Assembly of Virginia. The resolution of the state of Virginia is as follows:</p>  | <p>S. Journal,<br/>p. 340.<br/>H. Journal,<br/>p. 453.</p> |
| Ratifica-<br>tion of first<br>article by<br>Virginia.         | <p style="text-align: right;">“ <i>In the House of Delegates,</i><br/>“ <i>Tuesday, 25th October, 1791.</i></p> <p>“ <i>Resolved</i>—That the first article of the amendments proposed by Congress to the Constitution of the United States, be ratified by this Commonwealth.</p> <p style="text-align: right;">(Test,) “ CHARLES HAY, C. H. D.<br/>“ H. BROOKE, C. S.</p> <p>“ <i>November 3d, 1791,—agreed to by the Senate.</i>”</p> |  |
|   | <p>On the 30th of December, the following message from the President of the United States, communicated the entire ratification of the state of Virginia.</p>  | <p>S. Journal,<br/>p. 361.<br/>H. Journal,<br/>p. 483.</p> |
|   | <p>“ <i>Gentlemen of the Senate, and of the House of Representatives:—</i></p>   |  |
| Ratifica-<br>tion of all<br>the articles<br>by Virgi-<br>nia. | <p>“ I lay before you a copy of the ratification, by the commonwealth of Virginia, of the articles of amendment proposed by Congress to the Constitution of the United States; and a copy of a letter which accompanied said ratification from the governor of Virginia.</p>   |  |
|   | <p style="text-align: right;">“G. WASHINGTON.</p>  |  |
|   | <p>“ <i>United States, December 30, 1791.</i>”</p>   |  |
|   | <p>The following are the papers referred to in the message:—</p>   |  |
|   | <p style="text-align: right;">“ <i>Council Chamber, Richmond, December 22, 1791.</i></p>   |  |
|   | <p>“ <i>Sir:</i> The General Assembly, during their late session, have adopted, on the part of this commonwealth, all the amendments proposed by Congress to the Constitution of the United States; their ratification whereof I do myself the honour herewith to transmit.</p>  |  |
|   | <p style="text-align: right;">“ I have the honour to be, &amp;c.</p>   |  |
|   | <p style="text-align: right;">“ HENRY LEE.</p>   |  |
|   | <p>“ <i>The President of the United States.</i>”</p>   |  |
|   | <p style="text-align: center;">“ VIRGINIA—</p>   |  |
|   | <p>“ General Assembly, begun and held at the Capitol, in the city of Richmond, on Monday, the 17th day of October, in the year of our Lord 1791.</p>   |  |
|   | <p style="text-align: right;">“ <i>Monday, December 5th, 1791.</i></p>   |  |
|   | <p>“ <i>Resolved</i>—That the second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, and twelfth articles of the</p>  |  |
|   | <p style="text-align: center;">Vol. I.—24</p>  |  |

SAP. II.

The Constitution—Ratifications—Amendments. &amp;c.

1791.

Congress.  
Session.

amendments proposed by Congress to the Constitution of the United States, be ratified by this commonwealth.

(*Examined,*) "JOHN PRIDE, S. S.

"THOMAS MATTHEWS, S. H. D.

"December 15th, 1791,—agreed to by the Senate."

On the 18th of January, 1792, the President of the United States, in the following message, communicated the ratification of the state of Vermont, which state had been admitted into the Union during the third session of the first Congress:—

1792.

S. Journal  
p. 377, 378  
H. Journal  
p. 493.

"Gentlemen of the Senate, and of the House of Representatives:—

Ratifica-  
tion of Ver-  
mont.

"I lay before you a copy of an exemplified copy of an act of the legislature of Vermont, ratifying, on behalf of that state, the articles of amendment proposed by Congress to the Constitution of the United States, together with a copy of a letter which accompanied said ratification.

"G. WASHINGTON.

"United States, January 18th, 1792."

"An Act ratifying certain Articles proposed by Congress as Amendments to the Constitution of the United States.

"Whereas the Congress of the United States, begun and held at the city of New York, on Wednesday the fourth of March, one thousand seven hundred and eighty-nine, resolved, that certain articles, to the number of twelve, be proposed to the legislatures of the several states, as amendments to the Constitution of the United States, which articles, when ratified by three-fourths of the said legislatures, should be valid, to all intents and purposes, as part of the said Constitution: Therefore,

"It is hereby enacted by the General Assembly of the state of Vermont, that all and every of said articles, so proposed as aforesaid, be, and the same are, hereby ratified and confirmed by the legislature of this state."

A certifying letter from Ros. Hopkins, Secretary, accompanies this act.

At the close of the second Congress, the ratifications of eleven states had been received, Massachusetts, Connecticut, and Georgia, having not yet sent in their acquiescence.

The ratifications of the articles of amendment to the Constitution of the United States, proposed by the resolution of Congress, at their first session under the said Constitution, may be seen at one view by the following tabular arrangement:—

2d Congress.  
1st Session.

| The States in alphabetical order. | Ratifies the whole. | Postpones or rejects. | Postpones or rejects.         |
|-----------------------------------|---------------------|-----------------------|-------------------------------|
| 1 . Delaware ✓ - -                | 1 to 12             | the 1st.              | the 2d.<br>the 2d.<br>the 2d. |
| 2 . Maryland ✓ - -                |                     |                       |                               |
| 3 . New Hampshire ✓ - -           |                     |                       |                               |
| 4 . New Jersey ✓ - -              |                     |                       |                               |
| 5 . New York ✓ - -                | 1 to 12             | the 1st.              |                               |
| 6 . North Carolina ✓ - -          |                     |                       |                               |
| 7 . Pennsylvania ✓ - -            |                     |                       |                               |
| 8 . Rhode Island ✓ - -            |                     |                       |                               |
| 9 . South Carolina ✓ - -          | 1 to 12             |                       |                               |
| 10 . Vermont ✓ - -                | 1 to 12             |                       |                               |
| 11 . Virginia ✓ - -               | 1 to 12             |                       |                               |

## THIRD SESSION.

1st Congress.  
2d Session.

On the 3d of March, 1791, a motion was made to the House of Representatives, that the following clauses of amendment to the Constitution of the United States be proposed by Congress to the legislatures of the several states; to wit:—

1791.

H. Journal,  
P. 404—  
406..Proposed  
amend-  
ments con-  
cerning the  
Judiciary.

“That the Congress shall, either by declaring the Superior or Supreme Common Law Court of the state to be the court, or by creating a new court for the purpose, establish a GENERAL JUDICIAL COURT in each state, the judges whereof shall hold their commissions during good behaviour, and without any other limitation whatsoever, and shall be appointed and commissioned by the state, and shall receive their compensations from the United States only; and the compensations shall not be demanded during their continuance in office.

“The number of judges of the General Judicial Court in a state, unless the same should be altered by the consent of the Congress and the legislature of the state, shall be in the proportion of one judge for every ——— persons in the state, according to the enumeration for apportioning the representatives among the several states; but there shall always be at least three judges in each state.

“The General Judicial Court shall, in all cases to which the judicial power of the United States doth extend, have original jurisdiction, either exclusively or concurrently with other courts in the respective states, and otherwise regulated as the Congress shall prescribe; and in cases where the judicial power is reserved

at Congress.  
d Session.

Proposed  
mend-  
ments con-  
cerning the  
udiciary.

to the several states, as the legislature of each state shall prescribe; but shall have, and exclusively, *immediate* appellate jurisdiction in all cases, from every other court within the state, under such limitations, exceptions, and regulations, however, as shall be made with the consent of the Congress and the legislature of the state: there may, notwithstanding, be in each state a court of appeals or errors in the last resort, under the authority of the state, from the general Judicial Court, in cases and questions only, where the Supreme Court of the United States hath not appellate jurisdiction from the General Judicial Court.

“The Congress may provide that the judges of the General Judicial Court shall hold circuit courts within the state; and the legislature of the state may, in addition to the times and places to be assigned by the Congress for holding the General Judicial Court or the Circuit Courts, assign other times and places.

The Congress may determine the number of judges which shall be a quorum, to hold a General Judicial Court, or a Circuit Court, in each respective state.

“The Congress may, in the cases to which the judicial power of the United States doth extend, and the legislature of the state may, in the other cases, regulate the fees and proceedings in the several courts, and the jurisdiction of the Circuit Courts within the state.

“The ministerial officers of the General Judicial Court shall be appointed and commissioned in such manner as the legislature of the state shall prescribe.

“All writs issuing out of the General Judicial Court shall be in the name of *the judges* thereof.

“The judges of the General Judicial Court may be impeached by the House of Representatives of the United States, and also by the most numerous branch of the state legislature.

“The impeachment shall not be tried by the Senate of the United States, or by any judicature under the authority of the state; but the Congress shall, by law, establish a court to be held in each state, for the trial of such impeachment, to consist only of senators of the United States, judges of the Supreme Court of the United States, and judges of General Judicial Courts. The trial shall be in the state where the person impeached shall reside; and every law, designating the judges of a court for the trial of impeachment, shall be passed previously to the impeachment; and the designation shall be, not by naming the persons, but by describing the offices, the persons in which offices for the time being, and elected or appointed previously to

## CHAP. II.

## The Constitution—Ratifications—Amendments, &amp;c.

1791.

1st Congress.  
3d Session.Proposed  
amend-  
ments  
concerning the  
Judiciary.

the impeachment shall be the judges; and no person shall be convicted without the concurrence of two-thirds of the judges present.

“Judgments by the courts so to be established for the trial of impeachments, shall not extend further than is provided by the Constitution of the United States, in cases of impeachments, and the party, nevertheless, to be liable, and subject to indictment, trial, judgment, and punishment, according to law.

“In every state where the Congress shall declare the Superior or Supreme Common Law Court to be the General *Judicial Court*, the judges shall, by force of their appointments as judges of the Superior or Supreme Common Law Court, become judges of the General Judicial Court; and all the powers and duties of the judges of the Superior or Supreme Common Law Court, either by the Constitution or the laws of the state, shall devolve on the judges of the General Judicial Court.

“If, on the establishment of the General Judicial Courts, the Congress shall deem proper to discontinue any of the District Courts of the United States, the judges of the courts so discontinued shall, thereupon, by force of their appointments as district judges, become judges of the General Judicial Courts in the respective states, and shall continue to receive their compensations as theretofore established.

“The judges of the Supreme or Superior Common Law Courts, and the district judges, may, on the first establishment of the General Judicial Courts, become judges thereof, notwithstanding the limitation of the number of judges of the General Judicial Courts in the respective states; but as vacancies happen, they shall not afterwards be filled up beyond the number limited.

“For avoiding of doubts, it is declared that all officers, as well ministerial as judicial, in the *administration of justice*, under the authority of a state, shall also be held to execute their respective offices, for carrying into effect the laws of the United States; and, in addition to the duties assigned to them by the laws of the state, the Congress may assign to them such further duties as they shall deem proper for that purpose.”

The house, after these amendments had been read, determined to postpone their consideration until the next session of Congress, and ordered one hundred copies thereof to be printed for the use of the members of both houses.

Nothing further on the subject of amendments to the Constitution appears on the Journal of this session of Congress.



2d Congress.  
1st Session.

On the 3d of November, 1791, a few days after the assembling of the Second Congress at Philadelphia, the proposition of amendments to the Constitution, on the subject of the judiciary, was taken up, committed to a committee of the whole house, and made the order for to-morrow. On the 9th of November, the committee of the whole house was discharged from considering the subject, and the propositions of amendment were referred to a committee, consisting of the following members: Messrs. Sedgwick, Hillhouse, Benton, Boudinot, Madison, Smith, of South Carolina, and Steele. This committee made a report by their chairman, Mr. Sedgwick, on the 14th of December, and the report was ordered to lie on the table.

H. JOURNAL  
P. 448

Proposition committed.

Select committee.

Report laid on table.

Id. p. 472.

No further proceeding on this proposition is to be found on the Journals of the Second Congress.

2d Congress.  
2d Session.

On the 20th of February, 1793, a motion was made that the Senate adopt the following resolution:—

179

Proposition to amend.

“Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, two-thirds of both houses concurring—That the following article be proposed to the legislatures of the several states, as an amendment to the Constitution of the United States; which, when ratified by three-fourths of the said legislatures, shall be valid, as part of the said Constitution, namely:—

S. JOURNAL  
P. 490

“The judicial power of the United States shall not extend to any suits in law or equity, commenced or prosecuted against one of the United States, by citizens of another state, or by citizens or subjects of any foreign state.”

This motion was taken up for consideration on the 25th, when an unsuccessful motion was made to postpone its consideration to the next session of Congress. After some debate, the subject was postponed, and was not resumed during the session.

Id. p.

Proposition to amend.

On the 2d of March, 1793, it was moved in the Senate to propose to the legislatures of the several states, the following amendments to the Constitution of the United States:—

Id. p.

“Article 1st, Section 8. After the words ‘general welfare of the United States,’ add, ‘in the cases hereinafter particularly enumerated.’ And at the end of the section, add, ‘but no power to grant any charter of incorporation, or any commercial or other monopoly, shall be hereby implied.’

## CHAP. II.

## The Constitution—Ratifications—Amendments, &amp;c.

1793.

2d Congress.  
2d Session.Proposi-  
tion to a-  
ment.

"Section 9. Every tax shall be deemed direct, other than taxes on imports, excises, transfers of property, and law proceedings."

At the end of the section, add, 'No member of Congress shall be eligible to any office of profit under the authority of the United States; nor shall any person intrusted with the management of money of the United States, or concerned in the direction or management of any bank or other moneyed corporation within the United States, be capable of a seat in either house of Congress.'"

"Article 3d, Section 1. After the words 'obtain and establish,' add, 'or in such of the state courts as the Congress shall deem fit.'"

These propositions were laid on the table, and no further attempt was made during this Congress to change the structure of the Constitution.

1st Congress.  
1st Session.

Census.

Committee  
to prepare  
bill.

THE Constitution, in the second section of the first article, having prescribed that an enumeration should be made of the inhabitants of the United States, and that the representatives should be apportioned in the manner specified therein: it appears that, on the 18th of May, 1790, the House of Representatives appointed a committee, consisting of Messrs. Goodhue, Heister, and Seney, "to prepare and bring in a bill providing for the actual enumeration of the inhabitants of the United States, in conformity to the Constitution, and for the purposes therein mentioned." No report seems to have emanated from this committee.

1790.

H. Journal  
p. 38.

2d Session.

Census  
committee.Bill read  
twice, and  
committed.

On the 11th of January, 1790, a few days after the commencement of the second session of the first Congress, the subject was again brought before the House of Representatives, and the following committee was appointed:—Messrs. Foster, Goodhue, Sherman, Lawrance, Schureman, Clymer, Seney, White, Smith, of South Carolina, and Baldwin. On the 18th of January, Mr. Foster, from this committee, reported a bill providing for the actual enumeration of the inhabitants of the United States, which then received its first reading; and, on the following day, was read a second time, and committed to a committee of the whole house, on Friday next. On the day specified, the consideration of the bill was postponed until Monday. On Monday and Tuesday, the bill underwent the deliberation and discussion of the committee,

1790.

H. Journal  
p. 138.Id. p. 142-  
144.

| CHAP. II.                           | The Constitution—Laws to carry into Effect, &c.  | 1790.                    |
|-------------------------------------|--|--------------------------|
| 1st Congress. 2d Session.           | and, on the last named day, was reported to the house with amendments. The bill and amendments were then recommitted to Messrs. Foster, Goodhue, Sherman, Lawrance, Schureman, Clymer, Seney, White, Smith, of South Carolina, Baldwin, and Madison. On the 2d of February, the bill was again reported to the house with several amendments, which were twice read, and agreed to by the house. The bill, with the amendments, was then ordered to be engrossed; and, on the 4th of February, the bill received its third reading, and was recommitted to the committee of the whole house. The bill was taken up on the following day, and postponed until Monday, the 8th; and, on that day, the committee of the whole house was discharged from its further consideration, the blanks were filled, and the bill was passed. On the 9th, the bill was read a first time in the Senate. On the 12th, the bill was read a second time and referred to a committee, consisting of Messrs. Paterson, Strong, Ellsworth, Hawkins, and Johnson. Mr. Paterson, on the 16th, reported the bill with amendments, which were accepted by the Senate. The sixth section of the bill was then recommitted; and, on the 18th, the bill was passed with twenty-nine amendments. The House of Representatives, on the 22d, considered the various amendments made by the Senate, and disagreed to the twenty-second, twenty-third, twenty-fourth, twenty-fifth, and twenty-sixth of the amendments, agreeing to all the rest. The Senate, on the same day, receded from all the amendments to which the House had disagreed. On the 1st of March, the House received a communication from the President of the United States, that he had approved and affixed his signature to the bill. | H. Journal, p. 146, 147. |
| Amended.                            |  |                          |
| Reported.                           |  |                          |
| Recommitted.                        |  |                          |
| Reported.                           |  | Id. p. 151.              |
| Ordered to be engrossed.            |  |                          |
| Recommitted.                        |  | Id. p. 152.              |
|                                     |  | Id. p. 154.              |
| Passed.                             |  | S. Journal, p. 113.      |
|                                     |  | Id. p. 114.              |
| Passed Senate, with amendments.     |  |                          |
| House disagrees to five amendments. |  | H. Journal, p. 161.      |
| Senate recedes.                     |  | S. Journal, p. 115.      |
|                                     |  | H. Journal, p. 165.      |
| Extension of bill to Rhode Island.  | The subsequent accession of the state of Rhode Island to the Union, rendering it necessary that provision should be made to give effect to the laws of the United States within that state, a committee to prepare the necessary bills was appointed, consisting of Messrs. Sedgwick, Benson, and Tucker. On the 7th of June, Mr. Sedgwick, from this committee, presented a bill for giving effect to an act providing for the enumeration of the inhabitants of the United States, in respect to the state of Rhode Island and Providence Plantations, which was then read a first time, received its second reading on the following day, and was committed to Messrs. Williamson, Scott, and Baldwin, with instructions to insert a clause or clauses to provide for administering the necessary oaths for more effectually procuring a full census of the inhabitants of the United States. Mr. Williamson, on the 22d, reported the bill with sundry amendments, which were or-  | Id. p. 232.              |
| Bill read twice, and committed.     |  | Id. p. 235.              |
| Reported.                           |  | Id. p. 248.              |

## CHAP. II.

## The Constitution—Laws to carry into Effect, &amp;c.

1790.

1st Congress.  
1st Session.

Passed.

dered to lie on the table. The House, on the 28th of June, considered and disagreed to the amendments of the committee, and the bill was then ordered to be engrossed. On the following day, the blank being filled up, the bill was passed and sent to the Senate. The bill received its three readings in the Senate, on the 29th and 30th of June, and on the 1st of July, when it finally passed.

H. Journal,  
p. 251, 252.S. Journal,  
p. 169, 172.2d Congress.  
1st Session.

THE returns of the enumeration of the inhabitants under this law, were communicated by the President of the United States to the two houses of Congress, on the 27th of October, 1791, during the first week of the first session of the second Congress. The official statement is subjoined.

1791.

Returns of  
the enume-  
ration of in-  
habitants.

| DISTRICTS.        | Free white males<br>of sixteen years and<br>upwards, including<br>heads of families. | Free white males<br>under sixteen years.       | Free white females,<br>including heads of<br>families. | All other free per-<br>sons. | Slaves. | Total.  |
|-------------------|--|--|--|------------------------------|---------|---------|
| Vermont - -       | 22,435   | 22,328   | 40,505   | 252                          | 16      | 85,539  |
| New Hampshire     | 36,086   | 34,851   | 70,160   | 630                          | 158     | 141,885 |
| { Maine - - -     | 24,384   | 24,748   | 46,870   | 538                          | none.   | 96,540  |
| { Massachusetts - | 95,453   | 87,289   | 190,582  | 5,463                        | none.   | 378,787 |
| { Rhode Island -  | 16,019   | 15,799   | 32,652   | 3,407                        | 948     | 68,825  |
| { Connecticut -   | 60,523   | 54,403   | 117,448  | 2,808                        | 2,764   | 237,946 |
| { New York - -    | 83,700   | 78,122   | 152,320  | 4,654                        | 21,324  | 340,120 |
| { New Jersey -    | 45,251   | 41,416   | 83,287   | 2,762                        | 11,453  | 184,139 |
| { Pennsylvania -  | 110,788  | 106,948  | 206,343  | 6,537                        | 3,737   | 434,373 |
| { Delaware - -    | 11,783   | 12,143   | 22,384   | 3,890                        | 8,887   | 59,094  |
| { Maryland - -    | 55,915   | 51,339   | 101,395  | 8,043                        | 103,036 | 319,728 |
| { Virginia - -    | 110,936  | 116,135  | 215,046  | 12,866                       | 292,627 | 747,610 |
| { Kentucky - -    | 15,154   | 17,057   | 28,922   | 114                          | 12,430  | 73,677  |
| { North Carolina  | 69,988   | 77,506   | 140,710  | 4,975                        | 100,572 | 393,751 |
| { South Carolina  |  |  |  |                              |         |         |
| { Georgia - - -   | 13,103   | 14,044   | 25,739   | 398                          | 29,264  | 82,548  |
|                   | Free white males<br>of twenty years and<br>upwards, including<br>heads of families.  | Free white males<br>under twenty-one<br>years. | Free white females,<br>including heads of<br>families. | All other free per-<br>sons. | Slaves. | Total.  |
| S. W. Territory - | 6,271  | 10,277   | 15,365   | 361                          | 3,417   | 35,691  |
| N. W. Territory - |  |  |  |                              |         |         |

S. Journal,  
p. 329, 330.  
H. Journal,  
p. 442.

"Truly stated from the original returns deposited in the office of the secretary of state.

"THOMAS JEFFERSON.

"October 24, 1791."

VOL. I.—25

2d Congress.  
1st Session.

Schedule  
in commit-  
tee.

This schedule was ordered by the House of Representatives to be committed to a committee of the whole house on Monday next. The committee were engaged in the consideration of the subject on Monday the 31st of October, on Thursday the 3d of November, on Thursday the 10th, on Monday the 14th, and Tuesday the 15th. On the last of these days, Mr. Muhlenberg, the chairman of the committee of the whole, reported that the committee had adopted the following resolution:—

H. Jour.  
p. 444,  
454.

Apportion-  
ment of re-  
presenta-  
tion.

“*Resolved*—That the number of representatives shall, until the next enumeration, be one for thirty thousand.”

The question, on concurring in this resolution, being taken by ayes and noes, was decided in the affirmative, by the following vote:—

*Ayes*—Messrs. Baldwin, Benson, Brown, Findley, Fitzsimons, Gerry, Giles, Gordon, Gregg, Griffin, Heister, Huger, Jacobs, Kitchell, Kittera, Lawrance, Leonard, Lee, Madison, Moore, Muhlenberg, Murray, Page, Parker, Seney, Sheridan, Sumpter, Silvester, Tredwell, Tucker, Venable, Wadsworth, Wayne, White, Willis.—35.

*Noes*—Messrs. Ames, Ashe, Barnwell, Boudinot, S. Bourne, B. Bourne, Clarke, Gilman, Goodhue, Grove, Hillhouse, Livermore, Macon, Niles, Sedgwick, J. Smith, I. Smith, W. Smith, Steele, Sturges, Thatcher, Vining, Ward.—23.

Committee  
to prepare  
bill.

Messrs. Page, Murray, and Macon, were then appointed a committee to prepare and bring in a bill pursuant to the above resolution. A bill was presented to the house, and read a first and second time, on the 18th of November, and was considered in committee of the whole on the 21st and 22d; and, on the last of these days, it was reported with amendments. The house, on the 23d, proceeded to consider these amendments. The first amendment being under consideration, namely:

Id. p.  
456.

Reported.

Id. p. 4  
460.

Amend-  
ments.

“Section first, line second, strike out from the word ‘That,’ to the end of the second section, and insert,

“From and after the third day of March, one thousand seven hundred and ninety-three, and until otherwise provided by law, agreeably to the Constitution of the United States, the House of Representatives shall be composed of members who shall have been chosen by the people of the several states, in the proportion of one representative for every thirty thousand persons, computed according to the rule prescribed by the Constitution of the United States: that is to say, from the state of New Hamp-

## CHAP. II.

## The Constitution—Laws to carry into Effect, &amp;c.

1791.

2d Congress.  
1st Session.Amend-  
ments.

shire, four; the state of Massachusetts, fifteen; the state of Connecticut, seven; the state of Rhode Island, two; the state of Vermont, two; the state of New York, eleven; the state of New Jersey, five; the state of Pennsylvania, fourteen; the state of Delaware, one; the state of Maryland, nine; the state of Virginia, twenty-one; the state of Kentucky, two; the state of North Carolina, eleven; and the state of Georgia, two members."

A motion was made to amend this amendment, by inserting between the word "thirty," and the word "thousand," the word "four;" so that it should read "*thirty-four thousand*." The question, on this motion, was decided in the negative, by the following vote:—

*Ayes*—Messrs. Ames, Ashe, Barnwell, Boudinot, S. Bourne, B. Bourne, Dayton, Gilman, Goodhue, Hillhouse, Kitchell, Livermore, Niles, Sedgwick, J. Smith, I. Smith, W. Smith, Steele, Sturges, Thatcher, Ward.—21.

*Noes*—Messrs. Baldwin, Benson, Brown, Findley, Gerry, Giles, Gordon, Gregg, Griffin, Grove, Hartley, Heister, Huger, Jacobs, Kittera, Lawrance, Leonard, Lee, Macon, Madison, Moore, Muhlenberg, Murray, Page, Parker, Schoonmaker, Seney, Sheridan, Sumpter, Silvester, Tredwell, Tucker, Venable, Wadsworth, Wayne, White, Williamson, Willis.—38.

The amendment was then agreed to by the house, in the form in which it was reported.

The second amendment of the committee was then taken up, considered, and agreed to, in the words following; to wit:—

"Section third, line first, strike out from the word 'That,' to the end of the bill, and insert,

"The President of the United States, as soon as the marshal of the state of South Carolina shall have transmitted to him returns, pursuant to the provisions by law for an enumeration of the inhabitants of the United States, shall cause the executive of the said state to be notified of the number of representatives to be elected within the said state, according to the proportion aforesaid."

The bill was then ordered for engrossment, and on the 24th of November, it was read a third time, and the question on its passage was decided in the affirmative by the following vote:—

Bill passed.

*Ayes*—Messrs. Ames, Ashe, Baldwin, Barnwell, Benson, S. Bourne, Findley, Giles, Gordon, Gregg, Griffin, Grove, Hartley, Heister, Hillhouse, Huger, Jacobs, Kitchell, Kittera, Lawrance,

H. Journal,  
P. 461, 462.

2d Congress.  
1st Session.

Leonard, Lee, Macon, Madison, Moore, Muhlenberg, Murray, Parker, Schoonmaker, Sedgwick, Seney, W. Smith, Sumpter, Silvester, Tredwell, Tucker, Venable, Wadsworth, Ward, Wayne, White, Williamson, Willis.—43.

*Noes*—Messrs. Boudinot, B. Bourne, Dayton, Gilman, Goodhue, Livermore, Niles, Sheridan, J. Smith, I. Smith, Sturges, Thatcher.—12.

It was then ordered, that the bill be sent to the Senate.

1st and 2d  
reading in  
Senate.

In the Senate, the bill received its first reading on the 24th, and was read a second time on the following day. On the 29th and 30th it was discussed, and was then referred to a committee consisting of Messrs. Ellsworth, Burr, Butler, Strong, and Monroe, to revise the apportionment of representatives in the bill. From this committee, on the 5th of December, Mr. Ellsworth reported sundry amendments, and these amendments were considered on the two succeeding days. On the 7th, a motion was made to amend the bill, as follows:—

S. Jour  
p. 342.  
347.

id. p. 3  
350.

*“Be it enacted, by the Senate and House of Representatives of the United States of America, in Congress assembled—That from and after the third day of March, one thousand seven hundred and ninety three, and until otherwise provided for by law, agreeably to the Constitution of the United States, the House of Representatives shall be composed of members who shall have been chosen by the people of the several states, in the proportion of one representative for every thirty-three thousand persons in each state, computed according to the rule prescribed by the Constitution of the United States: That is to say, from the state of New Hampshire, four members; the state of Massachusetts, fourteen; the state of Connecticut, seven; the state of Rhode Island, two; the state of Vermont, two; the state of New York, ten; the state of New Jersey, five; the state of Pennsylvania, thirteen; the state of Delaware, one; the state of Maryland, eight; the state of Virginia, nineteen; the state of Kentucky, two; the state of North Carolina, ten; and the state of Georgia, two members.”*

Amend-  
ments.

It was determined to postpone this motion, in order to take into consideration the following proposition:—

*“Be it enacted, by the Senate and House of Representatives of the United States of America, in Congress assembled—That from and after the third day of March, one thousand seven hundred and ninety-three, and until otherwise provided for by law, agreeably to the Constitution of the United States, the House of*

## CHAP. II.

## The Constitution—Laws to carry into Effect, &amp;c.

1791.

2d Congress.  
1st Session.Amend-  
ments.

Representatives shall be composed of members who shall have been chosen by the people of the several states, in the proportion of one representative for every thirty thousand persons, computed according to the rule prescribed by the Constitution of the United States: That is to say, from the state of New Hampshire, five members; the state of Massachusetts, sixteen; the state of Connecticut, eight; the state of Rhode Island, two; the state of Vermont, three; the state of New York, eleven; the state of New Jersey, six; the state of Pennsylvania, fourteen; the state of Delaware, two; the state of Maryland, nine; the state of Virginia, twenty-one; the state of Kentucky, two; the state of North Carolina, twelve; the state of Georgia, two members. And if, after apportioning a representative to every thirty thousand persons, of the state of South Carolina, computed according to the rule prescribed in the Constitution of the United States, there shall remain a fractional part of the number of persons of that state, equal to, or greater than, ten thousand eight hundred and forty-two, then the people of the state of South Carolina shall be entitled to choose an additional representative; but if such fractional part shall be less than ten thousand eight hundred and forty-two, and more than ten thousand three hundred and seventeen, then the people of the state of Georgia shall be entitled to choose three representatives, instead of the number before mentioned to be chosen in that state."

It was agreed to divide this proposition, and to take the question on the first member of the amendment, to "the state of Georgia, two members," inclusive; and the question being taken on this clause of the motion, it was decided in the negative by the following vote:—

S. Journal,  
p. 351.

*Yeas*—Messrs. Bradley, Burr, Cabot, Ellsworth, King, Langdon, Read, Robinson, Rutherford.—9.

*Nays*—Messrs. Butler, Dickinson, Few, Foster, Gunn, Hawkins, Henry, Johnston, Izard, Monroe, Morris, Stanton, Sherman, Strong, Wingate.—15.

The question was then taken on the original motion which had been postponed, and decided in the negative by the following vote:—

*Yeas*—Messrs. Cabot, Ellsworth, Foster, Langdon, Read, Robinson, Rutherford, Stanton, Sherman, Strong, Wingate.—11.

*Nays*—Messrs. Bradley, Burr, Butler, Dickinson, Few, Gunn, Hawkins, Henry, Johnston, Izard, King, Monroe, Morris.—13.



2d Congress.  
1st Session.

It was then moved, that the following amendment, proposed yesterday, and passed in the negative, be reconsidered; to wit:—

Amend-  
ments.

*“Be it enacted, by the Senate and House of Representatives of the United States of America, in Congress assembled—That from and after the third day of March, one thousand seven hundred and ninety-three, and until otherwise provided for by law, agreeably to the Constitution of the United States, the House of Representatives shall be composed of one hundred and six members, and the number hereinafter apportioned to the state of South Carolina, who shall have been chosen by the people of the several states, in proportion, as nearly as may be, to the number of inhabitants in each state, computed according to the rules prescribed by the Constitution of the United States: That is to say, from the state of New Hampshire, four members; the state of Massachusetts, fifteen; the state of Connecticut, seven; the state of Rhode Island, two; the state of Vermont, three; the state of New York, ten; the state of New Jersey, six; the state of Pennsylvania, thirteen; the state of Delaware, two; the state of Maryland, nine; the state of Virginia, twenty; the state of Kentucky, two; the state of North Carolina, eleven; the state of Georgia, two members.”*

The question on this motion was decided in the negative by the following vote:—

*Yeas*—Messrs. Bradley, Burr, Cabot, Ellsworth, Langdon, Robinson, Sherman, Strong, Wingate.—9.

*Nays*—Messrs. Butler, Dickinson, Few, Foster, Gunn, Hawkins, Henry, Johnston, Izard, King, Monroe, Morris, Read, Rutherford, Stanton.—15.

On the question to agree to the following clause of the bill, as it came from the House of Representatives; to wit:—

*“That is to say—From the state of New Hampshire, four members; the state of Massachusetts, fifteen; the state of Connecticut, seven; the state of Rhode Island, two; the state of Vermont, two; the state of New York, eleven; the state of New Jersey, five; the state of Pennsylvania, fourteen; the state of Delaware, one; the state of Maryland, nine; the state of Virginia, twenty-one; the state of Kentucky, two; the state of North Carolina, eleven; and the state of Georgia, two members.”*

The yeas and nays being required, it was decided in the affirmative by the following vote:—

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*Yeas*—Messrs. Butler, Dickinson, Few, Foster, Gunn, Hawkins, Henry, Johnston, Izard, Monroe, Morris, Read, Stanton.—13.

*Nays*—Messrs. Bradley, Burr, Cabot, Ellsworth, King, Langdon, Robinson, Rutherford, Sherman, Strong, Wingate.—11.

3d reading. After agreeing to sundry amendments, the Senate ordered the bill to a third reading. On the 8th, it was read a third time, S. Journal, p. 354.  
 Motion to amend. when a motion was made to expunge the first section of the bill, and substitute the following:—

*“Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled—That from and after the third day of March, one thousand seven hundred and ninety-three, and until otherwise provided for by law, the House of Representatives shall be composed of members, who shall have been chosen by the people of the several states, in the proportion of one representative for every thirty-three thousand persons in each state, computed according to the rule prescribed by the Constitution of the United States: that is to say, From the state of New Hampshire, four members; the state of Massachusetts, fourteen; the state of Connecticut, seven; the state of Rhode Island, two; the state of Vermont, two; the state of New York, ten; the state of New Jersey, five; the state of Pennsylvania, thirteen; the state of Delaware, one; the state of Maryland, eight; the state of Virginia, nineteen; the state of Kentucky, two; the state of North Carolina, ten; and the state of Georgia, two members.”*

This motion was decided by the following vote:—

*Yeas*—Messrs. Bradley, Cabot, Ellsworth, Foster, Langdon, Read, Robinson, Rutherford, Stanton, Sherman, Strong, Wingate.—12.

*Nays*—Messrs. Burr, Butler, Dickinson, Few, Gunn, Hawkins, Henry, Johnston, Izard, King, Monroe, Morris.—12.

The number of votes being equal, the Vice-President decided the question in the affirmative.

It was then moved to strike out the words “state of,” and insert “district” after the word “Carolina,” which motion was decided in the affirmative, by the following vote:—

*Yeas*—Messrs. Bradley, Cabot, Ellsworth, Few, Foster, King, Langdon, Read, Robinson, Rutherford, Stanton, Sherman, Strong, Wingate.—14.

*Nays*—Messrs. Burr, Butler, Dickinson, Gunn, Hawkins, Henry, Johnston, Izard, Monroe, Morris.—10.

3d Congress.  
1st Session.

Bill passed  
as amend-  
ed.

The bill was then passed, as amended, and sent to the House of Representatives for concurrence.

On the 12th of December, the House proceeded to consider the amendments of the Senate, and, on the following day, the amendments were committed to a committee of the whole house immediately. The committee then considered the amendments, and having risen, made report that they had disagreed to the first, and agreed to the last. On the 14th, the report and amendments were recommitted to the same committee immediately. The House again resolved itself into committee of the whole, and reversed the former decision of the committee, who again made report that they "had, according to order, had under consideration the said report and amendments, to them recommitted, and made no amendment thereto." The House then proceeded to consider the said amendments, and the first amendment being read as follows:—

H. Jou  
P. 471,

Id. p.

Proceed-  
ings in  
house on  
amend-  
ments.

"Strike out the first section, and substitute the following:—

*"Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled—That from and after the third day of March, one thousand seven hundred and ninety-three, and until otherwise provided for by law, the House of Representatives shall be composed of members who shall have been chosen by the people of the several states, in the proportion of one representative to every thirty-three thousand persons in each state, computed according to the rule prescribed by the Constitution of the United States—that is to say: From the state of New Hampshire, four members; the state of Massachusetts, fourteen; the state of Connecticut, seven; the state of Rhode Island, two; the state of Vermont, two; the state of New York, ten; the state of New Jersey, five; the state of Pennsylvania, thirteen; the state of Delaware, one; the state of Maryland, eight; the state of Virginia, nineteen; the state of Kentucky, two; the state of North Carolina, ten; and the state of Georgia, two members."*

A motion was made to amend the said amendment, by striking out from the words, "several states," to the end of the amendment, and inserting, in their room, the following words:—

"In the number following; to wit:—

"In the state of New Hampshire, five members; the state of Massachusetts, sixteen; the state of Connecticut, eight; the state of Rhode Island, two; the state of Vermont, three; the state of

## CHAP. II.

## The Constitution—Laws to carry into Effect, &amp;c.

1791.

2d Congress.  
1st Session.Amend-  
ments.

New York, eleven; the state of New Jersey, six; the state of Pennsylvania, fourteen; the state of Delaware, two; the state of Maryland, nine; the state of Virginia, twenty-one; the state of Kentucky, two; the state of North Carolina, twelve; and the state of Georgia, two members."

And this motion was decided in the negative, by the following vote:—

*Ayes*—Messrs. Ames, Benson, Boudinot, S. Bourne, Clarke, Dayton, Gerry, Gilman, Goodhue, Gordon, Grove, Kitchell, Livermore, Niles, Schoonmaker, Sedgwick, J. Smith, I. Smith, Steele, Thatcher, Tredwell, Vining, Wadsworth.—23.

*Noes*—Messrs. Ashe, Baldwin, Barnwell, B. Bourne, Brown, Findley, Fitzsimons, Giles, Griffin, Hartley, Hillhouse, Huger, Jacobs, Key, Kittera, Lee, Macon, Madison, Moore, Muhlenberg, Murray, Page, Parker, Seney, Sheridan, W. Smith, Sterrett, Sturges, Sumpter, Silvester, Tucker, Venable, Ward, Wayne, White, Williamson, Willis.—37.

House re-  
turns bill to  
Senate dis-  
agreeing.

The question was then put, that the house do agree to the said first amendment proposed by the Senate, and determined in the negative, by the following vote:— H. Journal,  
P. 474.

*Ayes*—Messrs. Ames, Barnwell, Benson, Boudinot, S. Bourne, B. Bourne, Clarke, Dayton, Fitzsimons, Gilman, Goodhue, Gordon, Hartley, Hillhouse, Jacobs, Kitchell, Kittera, Livermore, Niles, Sedgwick, J. Smith, I. Smith, W. Smith, Sturges, Silvester, Thatcher, Vining, Wadsworth, Ward.—29.

*Noes*—Messrs. Ashe, Baldwin, Brown, Findley, Gerry, Giles, Griffin, Grove, Huger, Key, Lee, Macon, Madison, Moore, Muhlenberg, Murray, Page, Parker, Schoonmaker, Seney, Sheridan, Steele, Sterrett, Sumpter, Tredwell, Tucker, Venable, Wayne, White, Williamson, Willis.—31.

The second amendment made by the Senate, striking out the words, "*state of*," before the word "*Carolina*," and inserting after Carolina, the word "*District*," was then agreed to by the House. H. Journal,  
P. 476.

Senate in-  
sists.

On the 15th, the bill was again brought up for consideration in the Senate: a motion was made to postpone its consideration until to-morrow se'nnight; and this being negatived, another motion was made to postpone until the following Monday, which was also decided in the negative. A motion was then made to recede from the amendment disagreed to by the House of Representatives, and the question was decided as follows:— S. Journal,  
P. 356.

2d Congress.  
1st Session.

*Yeas*—Messrs. Burr, Butler, Dickinson, Few, Gunn, Hawkins, Henry, Johnston, Izard, King, Monroe, Morris.—12.

*Nays*—Messrs. Bradley, Cabot, Ellsworth, Foster, Langdon, Read, Robinson, Rutherford, Stanton, Sherman, Strong, Wingate.—12.

The numbers being equal, the Vice-President determined the question in the negative.

A motion was then made that the Senate insist on the amendment disagreed to by the House of Representatives, and appoint a committee of conference: but this motion was negatived; and the Senate then adopted a resolution to insist on the amendment disagreed to by the House.

House re-  
fuses to re-  
cede.

On Monday, the 19th of December, the House resumed the consideration of the amendments, when a motion was made to recede from their disagreement to the amendment of the Senate; but the motion was decided in the negative, by the following vote:—

H. Jou  
p. 476

*Ayes*—Messrs. Ames, Benson, Boudinot, S. Bourne, B. Bourne, Clarke, Dayton, Fitzsimons, Gilman, Goodhue, Gordon, Gregg, Hartley, Hillhouse, Jacobs, Kittera, Leonard, Livermore, Niles, Sedgwick, J. Smith, I. Smith, Sturges, Silvester, Thatcher, Wadsworth, Ward.—27.

*Noes*—Messrs. Ashe, Baldwin, Barnwell, Brown, Findley, Gerry, Giles, Griffin, Grove, Huger, Key, Lawrance, Lee, Macon, Madison, Moore, Muhlenberg, Murray, Page, Parker, Schoonmaker, Seney, W. Smith, Steele, Sterrett, Sumpter, Tredwell, Tucker, Venable, Wayne, White, Williamson, Willis.—33.

House re-  
solves to  
adhere.

It was then moved, that the house do adhere to their disagreement to the amendment of the Senate; which motion was decided in the affirmative, by the following vote:—

Id. p.

*Ayes*—Messrs. Ashe, Baldwin, Barnwell, Brown, Findley, Gerry, Giles, Griffin, Grove, Huger, Key, Lawrance, Lee, Macon, Madison, Moore, Muhlenberg, Murray, Page, Parker, Schoonmaker, Seney, W. Smith, Sterrett, Sumpter, Tredwell, Tucker, Venable, Wayne, White, Williamson, Willis.—32.

*Noes*—Messrs. Ames, Benson, Boudinot, S. Bourne, B. Bourne, Clarke, Dayton, Fitzsimons, Gilman, Goodhue, Gordon, Gregg, Hartley, Hillhouse, Jacobs, Kittera, Leonard, Livermore, Niles, Sedgwick, J. Smith, I. Smith, Sturges, Silvester, Thatcher, Wadsworth, Ward.—29.

Senate re-  
solves to  
adhere.

On the 20th, the Senate proceeded to consider the resolution of the House of Representatives to adhere to their disagreement,

S. Jou  
p. 358

2d Congress.  
1st Session.

when a motion was made that the Senate do adhere to their amendment. This motion was decided as follows:—

*Yeas*—Messrs. Bradley, Cabot, Ellsworth, Foster, King, Langdon, Robinson, Rutherford, Stanton, Sherman, Strong, Wingate.—12.

*Nays*—Messrs. Burr, Butler, Dickinson, Few, Gunn, Hawkins, Henry, Johnston, Izard, Moore, Morris, Read.—12.

The numbers being equal, the Vice-President gave his casting vote in the affirmative; and the bill was thus lost.

Motion for  
a new bill.

On the 6th of January, 1792, the following motion was submitted to the House of Representatives: "That a committee be appointed to prepare and bring in a bill for apportioning representatives among the several states, according to the first enumeration, and making provision for a second enumeration, and for an apportionment of representatives therein, to compose 'the House of Representatives,' after the third day of March, one thousand seven hundred and ninety-seven." It was moved to amend this motion, by inserting, after the word "*enumeration*," the following words: "*and the ratio of one representative for every thirty thousand*." This motion and amendment were committed to a committee of the whole house on the following Thursday. The subject, however, was not resumed until Tuesday, the 24th, when the house resolved itself into committee on the proposition and amendment. On the same day the committee reported the following resolution:—

1792.

H. Journal,  
p. 489.

Considered  
in committee.

Id. p. 495,  
496.

Resolution  
reported.

*Resolved*—That it is the opinion of this committee, that a bill ought to be prepared for apportioning representatives among the several states, according to the first enumeration, and making provision for a second enumeration, and for an apportionment of representatives thereon, to compose the House of Representatives, after the third day of March, one thousand seven hundred and ninety-seven, and that no greater ratio be reported than thirty thousand inhabitants for every representative."

Amend-  
ment pro-  
posed.

This resolution having been read a second time, it was moved to amend it, by striking out the words, "*and making provision for a second enumeration, and for an apportionment of representatives thereon, to compose the House of Representatives, after the third day of March, one thousand seven hundred and ninety-seven, and that no greater ratio be reported than thirty thousand inhabitants for every representative:*" whereupon, a di-

Divided.

vision of the motion was called for, and the question was first

2d Congress.  
1st Session.

taken on striking out the words following:—"and making provision for a second enumeration, and for an apportionment of representatives, after the third day of March, 1797;" which was de-

Negated. decided in the negative, by the following vote:—

*Ayes*—Messrs. Boudinot, S. Bourne, B. Bourne, Clarke, Dayton, Fitzsimons, Gilman, Gregg, Hartley, Heister, Jacobs, Kitchell, Leonard, Livermore, Niles, Schoonmaker, Seney, Jere. Smith, I. Smith, Silvester, Tucker, Ward.—22.

*Noes*—Messrs. Ames, Ashe, Baldwin, Barnwell, Benson, Brown, Findley, Gerry, Giles, Goodhue, Griffin, Grove, Huger, Key, Kittera, Lawrance, Lee, Macon, Madison, Moore, Muhlenberg, Murray, Page, Sheridan, Steele, Sterrett, Sturges, Sumpter, Thatcher, Tredwell, Venable, Wadsworth, Wayne, White, Williamson, Willis.—36.

The question was then taken on the residue of the motion, to strike out these words: "and that no greater ratio be reported than thirty thousand inhabitants for every representative;" which was decided in the affirmative by the following vote:—

*Ayes*—Messrs. Ames, Barnwell, Benson, Boudinot, S. Bourne, Clarke, Dayton, Fitzsimons, Gilman, Goodhue, Gregg, Grove, Hartley, Heister, Jacobs, Key, Kitchell, Kittera, Leonard, Livermore, Macon, Madison, Niles, Jere. Smith, I. Smith, Steele, Sturges, Silvester, Thatcher, Tucker, Wadsworth, Ward, Willis.—32.

*Noes*—Messrs. Ashe, Baldwin, B. Bourne, Brown, Findley, Gerry, Giles, Gordon, Griffin, Huger, Lawrance, Lee, Moore, Muhlenberg, Murray, Page, Schoonmaker, Seney, Sheridan, Sterrett, Sumpter, Tredwell, Venable, Wayne, White, Williamson.—26.

The resolution, as amended, was then agreed to, and the house adopted the following resolution:—

"*Resolved*—That a bill be prepared for apportioning representatives among the several states, according to the first enumeration, and making provision for a second enumeration, and for an apportionment of representatives thereon, to compose the House of Representatives, after the third day of March, one thousand seven hundred and ninety-seven."

Committee  
to prepare  
bill.

A committee, consisting of Messrs. Benson, Madison, and Gerry, was then appointed to prepare and bring in the bill.

Bill read  
1st time.

On the 7th of February, Mr. Benson presented a bill to the house, pursuant to order, which then received its first reading.

Id. p.

## CHAP. II.

## The Constitution—Laws to carry into Effect, &amp;c.

1792.

2d Congress.  
1st Session.Bill read  
2d time.Commit-  
ted.  
Reported,  
with a-  
mend-  
ments.Motion to  
amend.

On the following day, the bill was read a second time, and committed for the following Monday. The bill was considered in committee of the whole, on the 13th, 15th, 16th, 17th, and 20th; and on the last named day, the committee reported several amendments. All the amendments to the first section were agreed to. A motion was then made to expunge the second section, in the words following; to wit:—

*“And be it further enacted—*That there shall be another enumeration of the inhabitants of the United States, to be made by the several marshals within their respective districts, to commence on the — day of —, in the year —, and to close —: and returns thereof to be transmitted by the marshals to the President of the United States, within — calendar months thereafter. That, in each return, shall be certified the number of persons within the district, excluding Indians, not taxed; and distinguishing the number of free persons, including those bound to service for a term of years; and the number of all other persons. That the marshals may appoint as many persons, as assistants to them, in making the enumeration, as they shall deem requisite; and assign to each assistant such division of the district, and to be limited and described, as they shall deem convenient. That each assistant shall, before he enters on the trust assigned to him by this act, take the following oath, or affirmation, before any magistrate within the district, authorized to administer an oath; namely:—“I, A. B., do solemnly swear, (or affirm,) that I will make a just and perfect enumeration of all the inhabitants within the division assigned to me by the marshal of the district of —, and make due return thereof to the said marshal, pursuant to an act of Congress, entitled ‘An act —’ according to the best of my ability.” That each assistant, failing to make a return, or making a false return, shall be deemed guilty of misdemeanor, and be punished by fine or imprisonment, or both, in the discretion of the court. That every assistant shall be allowed, for his services and expenses in the execution of the said trust, at the rate of — for every — persons returned by him, not residing in a city or town containing more than five thousand persons, and at the rate of — for every — persons returned by him residing in such city or town. But where, from the dispersed situation of the inhabitants, in some divisions, the above allowance may be judged insufficient, the marshal may, with the approbation of the judge of the district, make such additional allowance to the assistants, in such divisions, as he shall deem reasonable: *Provided*, the whole allow-

H. Journal,  
p. 507—  
511.

Id. p. 512.



2d Congress.  
1st Session.

ance to any assistant shall not exceed the rate of — for every — of the whole number of persons returned by him. That the marshals of the several districts shall, for the services required of them by this act, be allowed as follows; namely:—

The marshal of the district of Maine —,  
The marshal of the district of New Hampshire —,  
The marshal of the district of Massachusetts —,  
The marshal of the district of Vermont —,  
The marshal of the district of Rhode Island —,  
The marshal of the district of Connecticut —,  
The marshal of the district of New York —,  
The marshal of the district of New Jersey —,  
The marshal of the district of Pennsylvania —,  
The marshal of the district of Delaware —,  
The marshal of the district of Maryland —,  
The marshal of the district of Virginia —,  
The marshal of the district of Kentucky —,  
The marshal of the district of North Carolina —,  
The marshal of the district of South Carolina —,  
The marshal of the district of Georgia —.

“That all persons, being heads of families, shall, when thereunto required by the assistant for the division, render to him a true account of the number of persons of which their respective families shall consist, on pain of forfeiting twenty dollars; to be sued for, and recovered by the assistant: one half to his own use, and the other half to the use of the United States.”

Motion neg-  
ative.

This motion was decided in the negative, by the following H. Jour  
p. 512,  
vote:—

*Ayes*—Messrs. Barnwell, Boudinot, S. Bourne, B. Bourne, Clarke, Dayton, Gilman, Goodhue, Hillhouse, Key, Kitchell, Leonard, Livermore, Niles, Schoonmaker, Seney, I. Smith, Sturges, Silvester, Thatcher, Tredwell, Tucker, White.—23.

*Noes*—Messrs. Ashe, Baldwin, Brown, Findley, Fitzsimons, Gregg, Griffin, Grove, Hartley, Huger, Kittera, Lawrance, Maccon, Madison, Moore, Muhlenberg, Murray, Parker, W. Smith, Steele, Sterrett, Sumpter, Venable, Vining, Wayne, Willis.—26.

Motion to  
expunge  
3d and 4th  
sections.

The amendments to the second section were then agreed to. A motion was then made to expunge the third and fourth sections which follow:—

“*And be it further enacted*—That from and after the third day of March, in the year one thousand seven hundred and ninety-

2d Congress.  
1st Session.

seven, the House of Representatives shall be composed of members elected within the several states, according to an apportionment to be made in the manner following: that is to say—The number of persons (defined as above mentioned) within the several states, being ascertained from the returns of the marshals, to be made in pursuance of this act, there shall be elected, within each state, the like number of representatives, as the quotient of the number of persons within the state, divided by —.

*“ And be it further enacted—*That the President of the United States shall, as soon as conveniently may be, after the — day of —, in the year —, cause the executives of the several states to be notified of the number of Representatives to be elected within the states respectively, according to the apportionment as declared and enacted in the third section of this act; but, in case he shall not, on or before that day, have received returns from all the marshals within the United States, or, in case he shall have received them, if it should appear, from them, that the whole number of persons within the United States, (defined as aforesaid,) is, or doth exceed — millions, then such notification shall not be made; and, in either of the said cases, the fourth section of this act shall be, and hereby is, declared to be, suspended; and the House of Representatives shall continue to be composed of members elected within the several states, according to the apportionment, as declared and enacted in the first section of this act, until further provision shall be made by law, any thing in this act notwithstanding: and, if either of the said cases shall happen, the President of the United States shall, as soon as conveniently may be, after the said — day of —, in the year —, cause the executives of all the states to be notified thereof.”

Motion neg-  
atived.

This motion was decided in the negative, by the following H. Journal,  
vote:— p. 513, 514.

*Ayes—*Messrs. Barnwell, Boudinot, S. Bourne, B. Bourne, Clarke, Dayton, Gilman, Goodhue, Gregg, Hillhouse, Jacobs, Key, Kitchell, Livermore, Moore, Niles, Page, Schoonmaker, Seney, Jere. Smith, I. Smith, Sturges, Silvester, Thatcher, Tucker.—25.

*Noes—*Messrs. Ashe, Baldwin, Benson, Brown, Findley, Fitzsimons, Griffin, Grove, Hartley, Huger, Kittera, Lawrance, Macon, Madison, Muhlenberg, Murray, Parker, W. Smith, Sterrett, Sumpter, Tredwell, Venable, Vining, Wayne, White, Willis.—26.

2d Congress.  
1st Session.

Blank  
filled with  
"30,000."

The question was then put, on agreeing to the amendment to fill the blank at the end of the third section, with the words, "*thirty thousand*," so as to read, "divided by thirty thousand," when it was decided in the affirmative, by the following vote:—

*Ayes*—Messrs. Ashe, Baldwin, Benson, Brown, Findley, Fitzsimons, Griffin, Hartley, Huger, Key, Lawrance, Macon, Madison, Muhlenberg, Murray, Page, Parker, Schoonmaker, Seney, Sterrett, Sumpter, Silvester, Tredwell, Tucker, Venable, Vining, Wayne, White, Willis.—29.

*Noes*—Messrs. Barnwell, Boudinot, S. Bourne, B. Bourne, Clarke, Dayton, Gilman, Goodhue, Gregg, Hillhouse, Jacobs, Kitchell, Kittera, Leonard, Livermore, Moore, Niles, Jera. Smith, I. Smith, W. Smith, Sturges, Thatcher.—22.

The other amendments were then agreed to, and the bill and amendments were ordered to be engrossed for a third reading.

Read a 3d  
time, and  
passed.

On the 21st of February, the bill received its third reading, and the question as to its passage was decided affirmatively, by the following vote:—

*Ayes*—Messrs. Baldwin, Barnwell, Benson, Clarke, Findley, Fitzsimons, Griffin, Grove, Hartley, Jacobs, Key, Kittera, Lawrance, Macon, Madison, Moore, Muhlenberg, Murray, Page, Parker, Schoonmaker, Seney, W. Smith, Sterrett, Sumpter, Silvester, Tredwell, Tucker, Venable, Vining, Wayne, White, Williamson, Willis.—34.

*Noes*—Messrs. Ames, S. Bourne, B. Bourne, Dayton, Gilman, Goodhue, Hillhouse, Kitchell, Leonard, Livermore, Niles, Sedgwick, I. Smith, Sturges, Thatcher, Wadsworth.—16.

1st and  
2d reading  
in Senate.

The bill was read a first time, in the Senate, on the same day; and, on the 23d, it was read a second time. It was then moved to amend the first part of the first section of the bill, in the following manner:—

Motion to  
amend.

"That, from and after the third day of March, one thousand seven hundred and ninety-three, the House of Representatives shall be composed of one hundred members, elected agreeably to a ratio of one member for every thirty thousand inhabitants in each state, computed according to the rule prescribed by the Constitution."

Negatived.

This motion was decided in the negative, by the following vote:—

*Yeas*—Messrs. Bassett, Cabot, Dickinson, Ellsworth, Foster, Langdon, Read, Robinson, Sherman, Strong, Wingate.—11.

S. Jour  
p. 394.

Id. p.

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The Constitution—Laws to carry into Effect, &amp;c.

1792.

2d Congress.  
1st Session.

*Nays*—Messrs. Bradley, Burr, Butler, Carroll, Few, Gunn, Hawkins, Henry, Izard, Johnston, King, Lee, Monroe, Morris, Rutherford, Stanton.—16.

Motion to  
amend.

A motion was then made to amend the first part of the first section of the bill, in the following manner:—

“That, from and after the third day of March, one thousand seven hundred and ninety-three, the House of Representatives shall be composed of one hundred and nineteen members, elected agreeably to a ratio of one member for every thirty thousand inhabitants in each state, computed according to the rule prescribed by the Constitution.”

Postpone-  
ments.

Before the question was taken on this motion, the Senate adjourned; and, on the following day, the further consideration of the bill was postponed until Thursday, the 1st of March. On that day, it was further postponed until the following Monday, and it was then taken up for consideration. A motion was made on Tuesday, the 6th of March, to amend the title and first section as follows:—

S. Journal,  
p. 401.Id. p. 404,  
405.Motion to  
amend ti-  
tle and 1st  
section.

*“An Act for the Apportionment of Representatives among the several States, according to the first Enumeration; and making Provision for another Enumeration, and an Apportionment of Representatives thereon, to compose the House of Representatives, after the third day of March, one thousand eight hundred and three.”*

*“Section 1. Be it enacted, by the Senate and House of Representatives of the United States of America, in Congress assembled—That, from and after the third day of March, in the year one thousand seven hundred and ninety-three, the House of Representatives shall be composed of one hundred and twenty members, elected within the several states, according to the following apportionment: that is to say, within the state of New Hampshire, five; within the state of Massachusetts, sixteen; within the state of Vermont, three; within the state of Rhode Island, two; within the state of Connecticut, eight; within the state of New York, eleven; within the state of New Jersey, six; within the state of Pennsylvania, fourteen; within the state of Delaware, two; within the state of Maryland, nine; within the state of Virginia, twenty-one; within the state of Kentucky, two; within the state of North Carolina, twelve; within the state of South Carolina, seven; and within the state of Georgia, two.”*

Negative.

This motion was decided in the negative by the following vote:—

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2d Congress.  
1st Session.

*Yeas*—Messrs. Bassett, Bradley, Burr, Cabot, Ellsworth, Foster, King, Langdon, Read, Robinson, Rutherford, Stanton, Wingate.—13.

*Nays*—Messrs. Butler, Carroll, Dickinson, Few, Gunn, Hawkins, Henry, Johnston, Izard, Lee, Monroe, Morris, Sherman, Strong.—14.

Motion to  
amend 1st  
section.

A motion was then made to amend the first clause of the first section as follows:—

*"Section 1. Be it enacted, by the Senate and House of Representatives of the United States of America, in Congress assembled—That, from and after the third day of March, in the year one thousand seven hundred and ninety-three, the House of Representatives shall be composed of members elected within the several states, according to the following apportionment: that is to say."*

Agreed to.

This motion was decided in the affirmative, by the following vote:—

*Yeas*—Messrs. Bassett, Bradley, Burr, Cabot, Ellsworth, Foster, King, Langdon, Read, Robinson, Rutherford, Sherman, Stanton, Strong, Wingate.—15.

*Nays*—Messrs. Butler, Carroll, Dickinson, Few, Gunn, Hawkins, Henry, Izard, Johnston, Lee, Monroe, Morris.—12.

Motion to  
amend 2d  
clause.

It was then moved to amend the second clause of the first section, thus:—

*"Within the state of New Hampshire, four; within the state of Massachusetts, fourteen; within the state of Vermont, two; within the state of Rhode Island, two; within the state of Connecticut, seven; within the state of New York, ten; within the state of New Jersey, five; within the state of Pennsylvania, thirteen; within the state of Delaware, one; within the state of Maryland, eight; within the state of Virginia, nineteen; within the state of Kentucky, two; within the state of North Carolina, ten; within the state of South Carolina, six; and within the state of Georgia, two."*

Negatived.

The question being taken on this motion, it was determined in the negative, by the following vote:—

*Yeas*—Messrs. Bradley, Cabot, Ellsworth, Foster, King, Langdon, Robinson, Rutherford, Sherman, Strong, Wingate.—11.

*Nays*—Messrs. Bassett, Burr, Butler, Carroll, Dickinson, Few, Gunn, Hawkins, Henry, Izard, Johnston, Lee, Monroe, Morris, Read, Stanton.—16.

## CHAP. II.

## The Constitution—Laws to carry into Effect, &amp;c.

1792.

2d Congress.  
1st Session.Title and  
1st section  
agreed to.

The title and first section of the bill were then agreed to, in 8. Journal, p. 436.

the following form:—

*“An Act for an Apportionment of Representatives among the several States, according to the first Enumeration, and making Provision for another Enumeration.”*

*“Section 1. Be it enacted, by the Senate and House of Representatives of the United States of America, in Congress assembled—That, from and after the third day of March, in the year one thousand seven hundred and ninety-three, the House of Representatives shall be composed of members elected within the several states, according to the following apportionment: that is to say; within the state of New Hampshire, four; within the state of Massachusetts, fifteen; within the state of Vermont, two; within the state of Rhode Island, two; within the state of Connecticut, seven; within the state of New York, eleven; within the state of New Jersey, five; within the state of Pennsylvania, fourteen; within the state of Delaware, one; within the state of Maryland, nine; within the state of Virginia, twenty-one; within the state of Kentucky, two; within the state of North Carolina, eleven; within the state of South Carolina, six; and within the state of Georgia, two.”*

The following being the vote by which it was passed in the affirmative:—

*Yeas*—Messrs. Bassett, Burr, Butler, Carroll, Few, Gunn, Hawkins, Henry, Izard, Johnston, King, Lee, Monroe, Morris, Read.—15.

*Nays*—Messrs. Bradley, Cabot, Dickinson, Ellsworth, Foster, Langdon, Robinson, Rutherford, Sherman, Stanton, Strong, Wingate.—12.

2d section  
stricken  
out.

A motion was then made to expunge the second section of the bill, as it came from the House of Representatives, which was determined in the affirmative, by the following vote:—

*Yeas*—Messrs. Bradley, Cabot, Carroll, Dickinson, Ellsworth, Foster, King, Morris, Robinson, Rutherford, Sherman, Stanton, Strong, Wingate.—14.

*Nays*—Messrs. Bassett, Burr, Butler, Few, Gunn, Hawkins, Henry, Izard, Johnston, Langdon, Lee, Monroe, Read.—13.

Restored  
in amended  
form.

It was then agreed to restore the second section, so amended as to provide for an enumeration to be taken in the year 1798, instead of the year 1796.

Ordered to  
3d reading.

The third and fourth sections of the bill, as it passed the house, were then stricken out, and the bill was ordered to its third reading.

On the 7th of March, after the bill had been read a third time, a motion prevailed to postpone its further consideration until the following Tuesday, (the 13th.) But on Monday, the 12th, the Senate, by unanimous consent, reconsidered that decision, and proceeded at once to the consideration of the bill. A motion was then made to amend the first section to read as follows:—

Further amended.

On the 7th of March, after the bill had been read a third time, a motion prevailed to postpone its further consideration until the following Tuesday, (the 13th.) But on Monday, the 12th, the Senate, by unanimous consent, reconsidered that decision, and proceeded at once to the consideration of the bill. A motion was then made to amend the first section to read as follows:—

*"Section 1. Be it enacted, by the Senate and House of Representatives of the United States of America, in Congress assembled—That, from and after the third day of March, in the year one thousand seven hundred and ninety-three, the House of Representatives shall be composed of one hundred and twenty members, elected within the several states, according to the following apportionment: that is to say; within the state of New Hampshire, five; within the state of Massachusetts, sixteen; within the state of Vermont, three; within the state of Rhode Island, two; within the state of Connecticut, eight; within the state of New York, eleven; within the state of New Jersey, six; within the state of Pennsylvania, fourteen; within the state of Delaware, two; within the state of Maryland, nine; within the state of Virginia, twenty-one; within the state of Kentucky, two; within the state of North Carolina, twelve; within the state of South Carolina, seven; and within the state of Georgia, two."*

And this motion passed in the affirmative, by the following vote:—

*Yeas*—Messrs. Bassett, Bradley, Burr, Cabot, Ellsworth, Foster, King, Langdon, Read, Robinson, Rutherford, Stanton, Strong, Wingate.—14.

*Nays*—Messrs. Butler, Carroll, Dickinson, Few, Gunn, Hawkins, Henry, Johnston, Izard, Lee, Monroe, Morris, Sherman.—13.

Motion to amend.

It was then moved to amend the amendment just agreed to, by inserting after the word "apportionment," the words following:—

*"Made by dividing the whole aggregate numbers of the people in the United States by thirty thousand, and apportioning them among the several states by that ratio, until they shall respectively have the number to which it will entitle them, and the residue of said members amongst those states having the highest fractions."*

Negated.

This motion was determined in the negative, by the following vote:—

## CHAP. II.

## The Constitution—Laws to carry into Effect, &amp;c.

1792.

2d Congress.  
1st Session.

*Yeas*—Messrs. Carroll, Dickinson, Henry, Johnston, Lee, Monroe, Morris.—7.

*Nays*—Messrs. Bassett, Bradley, Burr, Butler, Cabot, Ellsworth, Few, Foster, Gunn, Hawkins, Izard, King, Langdon, Read, Robinson, Rutherford, Sherman, Stanton, Strong, Wingate.—20.

Further  
motion to  
amend.

A motion was then made to amend the first enacting clause, as follows:— S. Journal,  
p. 408, 409.

*“Be it enacted, by the Senate and House of Representatives of the United States of America, in Congress assembled—That, from and after the third day of March, in the year one thousand seven hundred and ninety-three, the House of Representatives shall be composed of one hundred and twenty members, being one member for every thirty thousand persons within the United States, computed according to the rule prescribed by the Constitution, and who shall be apportioned to, and elected within the several states, according to their respective numbers.”*

Negatived.

This motion was also negatived, by the following vote:—

*Yeas*—Messrs. Bassett, Bradley, Burr, Cabot, Ellsworth, Foster, King, Langdon, Read, Robinson, Wingate.—11.

*Nays*—Messrs. Butler, Carroll, Dickinson, Few, Gunn, Hawkins, Henry, Johnston, Izard, Lee, Monroe, Morris, Rutherford, Sherman, Stanton, Strong.—16.

Title a-  
mended.

It was then agreed to expunge the second section, as adopted by the Senate on the 6th instant; and that the title of the bill be so amended as to read thus: “An act for an apportionment of representatives among the several states, according to the first enumeration.”

Bill passed.

The question, “Shall the bill pass as amended?” was then passed in the affirmative, by the following vote:—

*Yeas*—Messrs. Bassett, Bradley, Burr, Cabot, Ellsworth, Foster, King, Langdon, Read, Robinson, Rutherford, Stanton, Strong, Wingate.—14.

*Nays*—Messrs. Butler, Carroll, Dickinson, Few, Gunn, Hawkins, Henry, Johnston, Izard, Lee, Monroe, Morris, Sherman.—13.

On the 17th of March, the House of Representatives resumed the consideration of the subject. The question was then taken on agreeing to the first amendment of the Senate, as follows:— H. Journal,  
p. 538, 539.

House dis-  
agrees to  
the 1st a-  
mendment  
of Senate.

“Section first, line fourth, between the words ‘of’ and ‘members,’ insert ‘one hundred and twenty.’”

And it was decided in the negative, by the following vote:—



2d Congress.  
1st Session.

*Ayes*—Messrs. Ames, Benson, Boudinot, S. Bourne, B. Bourne, Clarke, Fitzsimons, Gerry, Gilman, Goodhue, Gordon, Hartley, Jacobs, Kitchell, Kittera, Lawrance, Leonard, Livermore, Niles, Schoonmaker, Sedgwick, Jere. Smith, I. Smith, Steele, Silvester, Thatcher, Tredwell, Vining, Wadsworth.—30.

*Noes*—Messrs. Ashe, Baldwin, Barnwell, Brown, Findley, Giles, Gregg, Griffin, Grove, Heister, Hillhouse, Huger, Key, Lee, Macon, Madison, Mercer, Moore, Muhlenberg, Page, Parker, Seney, W. Smith, Sterrett, Sturges, Sumpter, Tucker, Venable, White, Williamson, Willis.—31.

All the amendments disagreed to. Conference called.

All the other amendments of the Senate were then severally disagreed to by the House, and a resolution was adopted, desiring a conference with the Senate on the subject matter of the said amendments; and Messrs. Madison, Findley, Hillhouse, Smith, of South Carolina, and Baldwin, were appointed managers of the said conference on the part of the House.

Senate agrees to conference.

On the 19th, the Senate agreed to the conference, and appointed, as managers on their part, Messrs. Ellsworth, Burr, and Butler.

S. Jour.  
P. 412.

Report of Senate managers.

Mr. Ellsworth, from the managers of this conference on the part of the Senate, made a report on the 22d, that they had conferred with the managers appointed on the part of the House of Representatives, but had come to no agreement.

Id. p.

Senate insist on their amendments.

A motion was then made to insist on the amendment to the first section of the bill, which was decided in the affirmative, by the following vote:—

*Yeas*—Messrs. Bassett, Bradley, Burr, Cabot, Ellsworth, Foster, King, Langdon, Read, Robinson, Rutherford, Stanton, Strong, Wingate.—14.

*Nays*—Messrs. Butler, Carroll, Dickinson, Few, Gunn, Hawkins, Henry, Izard, Johnston, Lee, Monroe, Morris, Sherman.—13.

A motion was then made to recede from all the other amendments which had been made by the Senate to the bill; but this motion was negatived, by the following vote;—

*Yeas*—Messrs. Carroll, Few, Gunn, Hawkins, Henry, Izard, Johnston, Lee, Monroe.—9.

*Nays*—Messrs. Bassett, Bradley, Burr, Cabot, Dickinson, Ellsworth, Foster, King, Langdon, Morris, Read, Robinson, Rutherford, Sherman, Stanton, Strong, Wingate.—17.

A resolution to insist on all these amendments was then agreed to.

Mr. Madison on the same day made a report to the House of

## CHAP. II.

## The Constitution—Laws to carry into Effect, &amp;c.

1792.

3d Congress.  
1st Session.Report of  
house ma-  
nagers.

Representatives, from the managers on their part, "that the managers had, according to order, attended that duty, and that after offering the reasons for disagreement on the part of this house, and hearing those which were offered by the managers on the part of the Senate, in answer thereto, several propositions, offered by the managers on the part of this house, for accommodating the said disagreement, not being acceded to by the managers on the part of the Senate, they had mutually determined to separate from the said conference without agreement."

H. Journal,  
p. 543, 544.House re-  
cedes from  
their dis-  
agreement.

On the 23d, the House proceeded to reconsider the amendments proposed by the Senate, which were disagreed to by the House, and insisted on by the Senate; and a motion was then made, that the House doth recede from their disagreement to all the said amendments, which was decided in the affirmative by the following vote:—

Id. p. 545,  
546.

*Ayes*—Messrs. Ames, Benson, Boudinot, S. Bourne, B. Bourne, Clarke, Fitzsimons, Gerry, Gilman, Goodhue, Gordon, Hartley, Jacobs, Kitchell, Kittera, Lawrance, Leonard, Livermore, Muhlenberg, Niles, Schoonmaker, Sedgwick, Jere. Smith, I. Smith, Steele, Silvester, Thatcher, Tredwell, Vining, Wadsworth, Ward.—31.

*Noes*—Messrs. Ashe, Baldwin, Barnwell, Brown, Findley, Giles, Gregg, Grove, Heister, Hillhouse, Huger, Key, Lee, Macon, Madison, Mercer, Moore, Page, Parker, Seney, W. Smith, Sterrett, Sturges, Sumpter, Tucker, Venable, White, Williamson, Willis.—29.

Bill return-  
ed by the  
President.

Thus the bill was finally passed by the two houses; and having been transmitted, in the usual manner, to the President of the United States, for his approval and signature, it was returned to the House of Representatives, in which it originated, on the fifth of April, accompanied by the objections contained in the following message, which was ordered to be entered at large on the Journal:—

Id. p. 563,  
564.*"United States, April 5, 1792.**"Gentlemen of the House of Representatives:—*

Objections.

"I have maturely considered the act passed by the two houses, entitled, 'An act for an apportionment of representatives among the several states, according to the first enumeration,' and I return it to your house, wherein it originated, with the following objections:—

*"First.* The Constitution has prescribed that representatives shall be apportioned among the several states, according to their

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1st Session.

respective numbers; and there is no one proportion or division, which, applied to the respective numbers of the states, will yield the number and allotment of representatives proposed by the bill.

*"Secondly.* The Constitution has also provided, that the number of representatives shall not exceed one for every thirty thousand; which restriction is, by the context, and by fair and obvious construction, to be applied to the separate and respective numbers of the states: and the bill has allotted to eight of the states more than one for every thirty thousand.

"G. WASHINGTON."

Resolution  
to recon-  
sider.

It was then resolved, "that to-morrow be assigned for the reconsideration of the said bill, in the mode prescribed by the Constitution of the United States." H. Journal, p. 565, 566.

Bill recon-  
sidered and  
rejected.

In pursuance of this resolution, the house, on the 6th of April, proceeded to reconsider the bill. The bill was then read, and the President's objections having also been read, the matter was debated, and the question, "That the house, on reconsideration, do agree to pass this bill," was, in the mode prescribed by the Constitution, put and decided in the negative, *two-thirds* of the house not agreeing to pass the same, by the following vote:—

*Ayes*—Messrs. Ames, Benson, S. Bourne, B. Bourne, Clarke, Fitzsimons, Gerry, Gilman, Goodhue, Gordon, Hartley, Jacobs, Kitchell, Kittera, Lawrance, Leonard, Livermore, Niles, Schoonmaker, Sedgwick, Jere. Smith, I. Smith, Steele, Thatcher, Tredwell, Vining, Wadsworth, Ward.—28.

*Noes*—Messrs. Ashe, Baldwin, Barnwell, Brown, Findley, Giles, Gregg, Griffin, Grove, Heister, Hillhouse, Huger, Key, Lee, Macon, Madison, Mercer, Moore, Muhlenberg, Murray, Page, Parker, Seney, Sheridan, W. Smith, Sterrett, Sturges, Sumpter, Tucker, Venable, White, Williamson, Willis.—33.

House  
committee  
to prepare  
new bill.

On the following day, a committee was appointed by the House of Representatives, consisting of Messrs. Lawrance, Seney, and Smith, of New Hampshire, "to prepare and bring in a bill or bills apportioning representatives among the several states, according to the first enumeration, at the ratio of one representative for every thirty thousand persons in the respective states." Mr. Lawrance, on the 7th, reported from this committee, "a bill apportioning representatives among the several states, according to the first enumeration, at the ratio of one representative for every ——— thousand persons in the respective states;" Id. p. 567.

## CHAP. II.

## The Constitution—Laws to carry into Effect, &amp;c.

1792.

3d Congress.  
1st Session.Bill reported,  
read twice, and  
committed.Blank  
filled with  
"thirty-  
three."

which was read a first and second time, and committed for the following Monday. On that day the bill was considered in committee, and reported to the house with the following amendment:—

"Line fifth, fill up the blank with the words '*thirty-three*.'" Id. p. 570

The question on agreeing to this amendment, was passed in the affirmative by the following vote:—

*Ayes*—Messrs. Ames, Barnwell, Benson, Boudinot, S. Bourn, B. Bourn, Clarke, Dayton, Fitzsimons, Gerry, Gilman, Goodhue, Gordon, Gregg, Hartley, Heister, Hillhouse, Huger, Jacobs, Kitchell, Kittera, Leonard, Livermore, Niles, Sedgwick, Jere. Smith, I. Smith, W. Smith, Sturges, Silvester, Thatcher, Vining, Wadsworth, Ward.—34.

*Noes*—Messrs. Ashe, Baldwin, Brown, Findley, Giles, Griffin, Grove, Key, Lawrance, Lee, Macon, Madison, Mercer, Moore, Muhlenberg, Murray, Page, Parker, Schoonmaker, Seneey, Sheridan, Steele, Sterrett, Sumpter, Tredwell, Tucker, Venable, White, Williamson, Willis.—30.

Bill passed. The bill was then ordered to be engrossed, and on the next day, it was read a third time and passed. Being sent to the Senate, it received its three readings, and was passed by that branch on the 10th of April. And on the 16th, the approval and signature of the bill by the President were communicated to the House of Representatives, by Mr. Lear, the President's secretary.

South Carolina  
returns.

It must have been perceived that in the official statement given of the enumeration of the inhabitants of the United States, there were no returns from the state of South Carolina. On the 1st of November, 1791, the following message on the subject was communicated to the two houses of Congress:—

1791.

"United States, November 1st, 1791.

"Gentlemen of the Senate, and of the House of Representatives:—

Message of  
President.

"I received, yesterday, from the judge of the district of South Carolina, a letter enclosing the presentments of the grand jury to him, and stating the causes which have prevented the return of the census from that district; copies of which are now laid before you.

"G. WASHINGTON."

Committee  
to bring in  
bill.

The house then appointed Messrs. Smith, of South Carolina, Boudinot, and Venable, to be a committee to prepare and bring

H. Journal  
p. 445.

## CHAP. II.

## The Constitution—Laws to carry into Effect, &amp;c.

1791.

1st Congress.  
1st Session.

in a bill or bills granting further time for making return of the enumeration of the inhabitants in the district of South Carolina. H. Journal, p. 446.

Bill passed  
by House.

The bill was reported on the same day, and received two readings. On the 2d, it was amended and ordered to be engrossed; Id. p. 447.

Passed by  
Senate.

and on the 3d, it passed the house. The bill, which extended the time allowed to the marshal for making the returns, until the first day of March next, passed through the Senate on the 3d and 4th of November, with some amendments, which received the acquiescence of the house. S. Journal, p. 336.  
H. Journal, p. 449.

On the 3d of March, 1792, the President of the United States transmitted a message to the two houses in the following words:—

*“Gentlemen of the Senate, and of the House of Representatives:—*

*“I lay before you a copy of the return of the number of inhabitants in the district of South Carolina, as made to me by the marshal thereof, and a copy of a letter which accompanied said return. Id. p. 526.  
S. Journal, p. 404.*

*“G. WASHINGTON.*

*“United States, March 3, 1792.”*

The schedule referred to in the message is as follows:—

| DISTRICT.      | Free white males of sixteen years and upwards, including heads of families. | Free white males under sixteen years. | Free white females including heads of families. | All other free persons. | Slaves. | Total.  |
|----------------|---|---------------------------------------|---|-------------------------|---------|---------|
| South Carolina | 35,576  | 37,722                                | 66,880  | 1,801                   | 107,094 | 249,073 |

2d Congress.  
1st Session.Classification  
of senators.

By the third section of the first article of the Constitution, it is provided, that “immediately after they [the Senate] shall be assembled, in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the senators of the first class shall be vacated at the expiration of the second year; of the second class, at the expiration of the fourth year; and of the third class, at the expiration of the sixth year: so that one-third may be chosen every second year,” &c.

Committee  
appointed.

In obedience to this provision of the Constitution, the Senate, on the 11th of May, 1789, appointed Messrs. Ellsworth, Carroll, S. Journal, p. 24—26.

1789.

Constitution of U. States, article 1st, section 3d.

## CHAP. II.

## The Constitution—Laws to carry into Effect, &amp;c.

1789.

1st Congress.  
1st Session.

and Few, to be a committee "to consider and report a mode of carrying into execution the second paragraph (which has been just quoted,) of the third section of the first article of the Constitution." On the 13th, this committee made their report; and, on the 14th, the Senate adopted the following resolution:—

Senate resolution.

*Resolved*—That the senators be divided into three classes:—

"The first to consist of Mr. Langdon, Mr. Johnson, Mr. Morris, Mr. Henry, Mr. Izard, and Mr. Gunn.

"The second, of Mr. Wingate, Mr. Strong, Mr. Paterson, Mr. Bassett, Mr. Lee, Mr. Butler, and Mr. Few.

"The third, of Mr. Dalton, Mr. Ellsworth, Mr. Elmer, Mr. Maclay, Mr. Read, Mr. Carroll, and Mr. Grayson.

"That three papers of an equal size, numbered 1, 2, and 3, be, by the Secretary, rolled up and put into a box, and drawn by Mr. Langdon, Mr. Wingate, and Mr. Dalton, in behalf of the respective classes in which each of them are placed; and that the classes shall vacate their seats in the Senate according to the order of numbers drawn for them, beginning with number one:

"And that, when senators shall take their seats from states that have not yet appointed senators, they shall be placed, by lot, in the foregoing classes, but in such manner as shall keep the classes as nearly equal as may be in numbers."

Classes determined.

On the 15th, the Senate proceeded to determine the classes, and the numbers being drawn, the classes were determined as follows:—

"Lot No. 1, drawn by Mr. Dalton, contained Mr. Dalton, Mr. Ellsworth, Mr. Elmer, Mr. Maclay, Mr. Read, Mr. Carroll, and Mr. Grayson; whose seats shall, accordingly, be vacated in the Senate, at the expiration of the second year.

"Lot No. 2, drawn by Mr. Wingate, contained Mr. Wingate, Mr. Strong, Mr. Paterson, Mr. Bassett, Mr. Lee, Mr. Butler, and Mr. Few; whose seats shall, accordingly, be vacated in the Senate, at the expiration of the fourth year.

"Lot No. 3, drawn by Mr. Langdon, contained Mr. Langdon, Mr. Johnson, Mr. Morris, Mr. Henry, Mr. Izard, and Mr. Gunn; whose seats shall, accordingly, be vacated in the Senate, at the expiration of the sixth year."

New York senators.

On the 28th of July, the senators from the state of New York proceeded to draw lots for their classes: "and two lots, No. 3 and a blank, being, by the secretary, rolled up and put into the box, Mr. Schuyler drew blank; and Mr. King having drawn No. 3,

S. Journal,  
p. 48.

## CHAP. II.

## The Constitution—Laws to carry into Effect, &amp;c.

1790.

1 Congress.  
1 Session.

his seat shall, accordingly, be vacated in the Senate, at the expiration of the sixth year. The secretary proceeded to put two other lots into the box, marked Nos. 1 and 2; and Mr. Schuyler having drawn lot No. 1, his seat shall, accordingly, be vacated in the Senate, at the expiration of the second year."

1 Congress.  
1 Session.North Carolina  
senators.

THE senators from North Carolina having taken their seats, proceeded, on the 29th of January, 1790, to draw lots for their classes: "and two lots, Nos. 2 and 3, being, by the secretary, rolled up and put into the box, Mr. Johnston drew lot No. 2; whose seat in the Senate shall, accordingly, be vacated at the expiration of the fourth year; and Mr. Hawkins drew lot No. 3, whose seat in the Senate shall, accordingly, be vacated at the expiration of the sixth year."

1790.

S. Journal,  
p. 109.Rhode Island  
senators.

On the 25th of June, the senators from the state of Rhode Island and Providence Plantations proceeded to draw lots for their classes: "and three lots, Nos. 1, 2, and 3, being, by the secretary, deposited in the box, in the usual form, Mr. Stanton drew lot No. 2; whose seat shall, accordingly, be vacated in the Senate, at the expiration of the fourth year; and Mr. Foster drew lot No. 1; whose seat shall, accordingly, be vacated in the Senate, at the expiration of the second year."

Id. p. 166.

1 Congress.  
1 Session.Vermont  
senators.

On the 7th of November, 1791, the classification of the senators from Vermont took place, in conformity to the above resolution. "No. 3 and a blank were, by the secretary, put into the box; when Mr. Robinson drew the blank, and Mr. Bradley drew No. 3. Mr. Bradley is, accordingly, of the class whose seats will be vacated in the Senate, at the expiration of four years from March, 1791. The Nos. 1 and 2 were then put into the box, when Mr. Robinson drew No. 1; who is, accordingly, of the class whose seats will be vacated in the Senate, at the expiration of six years from March, 1791."

1791.

S. Journal,  
p. 337.1 Congress.  
1 Session.Kentucky  
senators.

On the 9th of November, 1792, being the second session of the second Congress, "the Senate proceeded to class the senators from the state of Kentucky, as the Constitution requires; when numbers two and three, being, by the secretary, rolled up and put into the ballot box, Mr. Brown drew number two, and is, accordingly, of the class whose seats will be vacated in the Senate at the expi-

1792.

S. Journal,  
p. 457.

2d Congress.  
2d Session.

ration of two years from March, 1791. Mr. Edwards drew number three; and is, accordingly, of the class whose seats in Senate will be vacated at the expiration of four years from March, 1791."

| CLASSES OF SENATORS DURING THE FIRST CONGRESS.                                 |   |  | CLASSES OF SENATORS ON THE FOURTH DAY OF MARCH, 1793.                              |  |  |
|--|---|--|--|--|--|
| Two years' class.  | Four years' class.  | Six years' class.  | Senators whose term of office is limited to two years.                             | Senators whose term of office is limited to four years.                        | Senators who have appeared and produced credentials of appointment, commencing this day. |
| Carroll, Dalton, Ellsworth, Elmer, Foster, Maclay, Monroe, Read, and Schuyler. | Bassett, Butler, Dickinson, Few, Johnston, Lee, Stanton, Strong, and Wingate. | Gunn, Hawkins, Henry, Johnson, Izard, King, Langdon, and Morris. | Bradley, Edwards, Gunn, Hawkins, Henry, Izard, King, Langdon, Morris, and Sherman. | Burr, Cabot, Ellsworth, Foster, Monroe, Potts, Read, Robinson, and Rutherford. | Brown, Livermore, and Taylor.  |

1st Congress.  
2d Session.

Commencement of terms of service.

Joint committee.

Report.

THE House of Representatives, on the 30th of April, 1790, 1790.

adopted a resolution appointing Messrs. Benson, Clymer, Huntington, Moore, and Carroll, to be a committee of the House, to join such committee as should be appointed by the Senate, "to consider and report their opinion on the question, when, according to the Constitution, the terms for which the President, Vice-President, Senators, and Representatives have been respectively chosen, shall be deemed to have commenced; and also, to consider of, and report their opinion on, such other matters as they shall conceive have relation to this question." And, on the 3d of May, the Senate concurred in this resolution, and appointed Messrs. Ellsworth, King, and Morris, to be a committee on the part of the Senate. On the 12th, this committee reported to the House; on the 13th, the report was made to the Senate; and, on the 14th, the Senate proceeded to consider the report, which is as follows:—

"The committee of Senate, to join with a committee appointed by the House of Representatives, to consider and report their opinion on the question, when, according to the Constitution, the terms for which the President, Vice-President, Senators, and Representatives, have been respectively chosen, shall be deemed to have commenced; and also, to consider of, and report their opinion on, such other matters as they should conceive to have rela-

H. Journal, p. 207.

S. Journal, 136.

H. Journal, p. 215.

S. Journal, p. 140, 141.



1st Congress.  
2d Session.

Report of  
joint com-  
mittee.

tion to this question, report, as the opinion of the said joint committee—

“That the terms for which the President, Vice-President, Senators, and Representatives of the United States, were respectively chosen, did, according to the Constitution, commence on the 4th day of March, 1789; and so the senators of the first class, and the representatives, will not, according to the Constitution, be entitled, by virtue of the same election by which they hold seats in the present Congress, to seats in the next Congress, which will be assembled after the 3d day of March, 1791; and further, that whenever a vacancy shall happen in the Senate or House of Representatives, and an election to fill such vacancy, the person elected will not, according to the Constitution, be entitled, by virtue of such election, to hold a seat beyond the time for which the senator or representative, in whose stead such person shall have been elected, would, if the vacancy had not happened, have been entitled to hold a seat.

“That it will be advisable for the Congress to pass a law, or laws, for determining, agreeably to the provision in the first section of the second article of the Constitution, the time when the electors shall, in the year which will terminate on the 3d day of March, 1793, and so in every fourth year thereafter, be chosen, and the day on which they shall give their votes, for declaring what officer shall, in case of vacancy, both in the office of President and Vice-President, act as President; for assigning a public office where the lists, mentioned in the second paragraph of the first section of the second article of the Constitution, shall, in case of vacancy in the office of president of the Senate, or his absence from the seat of government, be, in the mean time, deposited; and for directing the mode in which such lists shall be transmitted.”

Report  
committed  
in house.

Agreed to.

Transmit-  
ted to state  
executive.

The Senate agreed to this report; which, on the 17th, was committed by the House of Representatives to a committee of the whole house for to-morrow. On the 18th, the report was agreed to, and Messrs. Benson, Clymer, Huntington, Moore, and Carroll, were appointed a committee to prepare and bring in a bill, pursuant to the last paragraph of the said report. On the 9th of August, the house ordered that the speaker do transmit to the executive authority of each state, an authentic copy of this resolution. The committee appointed by the house to have made no report on the subject referred to them.

H. Jou  
P. 217

Id. p.  
219.

Id. p.

1st Congress.  
3d Session.

At the commencement of the third session of the first Congress, on the 10th of December, the House adopted the following order:—

House ap-  
points new  
committee.

“*Ordered*—That a committee be appointed to prepare and bring in a bill, or bills, for determining, agreeably to the provision in the first section of the second article of the Constitution, the time when the electors shall, in the year which will terminate on the third of March, 1793, and so, in every fourth year thereafter, be chosen, and the day on which they shall give their votes for declaring what officer shall, in case of vacancy both in the office of President and Vice-President, act as President; for assigning a public office, where the lists mentioned in the second paragraph of the first section of the second article of the Constitution, shall, in case of vacancy in the office of the president of the Senate, or his absence from the seat of government, be, in the mean time, deposited; and for directing the mode in which such lists shall be transmitted; and that Mr. Benson, Mr. Huntington, Mr. Heister, Mr. Moore, and Mr. Partridge, be of the said committee.” H. Journal,  
p. 334.

On the 20th of December, Mr. Benson, from this committee, presented the three following bills, which were severally read the first time.

Bills re-  
ported.

“A bill declaring the officer, who, in case of vacancies, both in the offices of President and Vice-President of the United States, shall act as President:

“A bill declaring the respective times when the electors to vote for a President of the United States, shall be appointed or chosen, and shall give their votes;—also,

“A bill directing the mode in which the lists of the votes for a President shall be transmitted to the seat of the government of the United States.”

Read  
twice, and  
committed.

All these bills received their second reading on the following day, and were committed to a committee of the whole house for the following Monday. The bills were taken up in committee of the whole, on the 10th of January, and occupied the committee on the 13th and 14th; when the committee reported several amendments to the bill declaring the respective times, when the electors to vote for a President of the United States shall be appointed or chosen, and shall give their votes. The amendments were agreed to. This bill and amendments were not further acted upon. Id. p. 339,  
340.  
Id. p. 351,  
—355.

2d Congress.  
1st Session.

*Ayes*—Messrs. Ashe, Baldwin, Brown, Fitzsimons, Giles, Gilman, Gregg, Grove, Jacobs, Key, Macon, Madison, Mercer, Moore, Muhlenberg, Murray, Page, Parker, Seney, Jere. Smith, Steele, Sterrett, Sturges, Sumpter, Thatcher, Tredwell, Venable, Vining, Wayne, White, Williamson, Willis.—32.

*Noes*—Messrs. Ames, Barnwell, Benson, Boudinot, S. Bourne, B. Bourne, Clarke, Gerry, Goodhue, Heister, Hillhouse, Huger, Kitchell, Kittera, Leonard, Livermore, Niles, Schoonmaker, Smith, Silvester, Tucker, Wadsworth.—22.

The question was then taken on agreeing to the substitute proposed for the ninth section, and decided in the affirmative. H. Jour. p. 507.

Recommitted.

On the 13th, the bill and amendments were recommitted to a committee of the whole house, and on the following day they were again considered in committee, and the committee again reported the bill with an amendment in the words following:—

Reported with amendment.

“To the end of the first section, add—

“Which electors shall be equal to the number of senators and representatives to which the several states may, by law, be entitled, at the time when the President and Vice-President, thus to be chosen, should come into office: *Provided always*—That where no apportionment of representatives shall have been made after any enumeration, at the time of choosing electors, then the number of electors shall be according to the existing apportionment of senators and representatives.’”

A decision of the question on this amendment being required; namely, “That the house do agree to the first part of the said amendment, in the words following:—‘To the end of the first section,’ add—

“Which electors shall be equal to the number of senators and representatives to which the several states may by law be entitled, at the time when the President and Vice-President, thus to be chosen, should come into office.’”

This part of the motion was decided in the affirmative, by the following vote:—

*Ayes*—Messrs. Ashe, Baldwin, Brown, Findley, Gerry, Gilman, Gregg, Griffin, Grove, Heister, Jacobs, Lee, Macon, Mercer, Moore, Murray, Page, Parker, Schoonmaker, Jere. Smith, I. Smith, Sterrett, Tredwell, Tucker, Venable, Wayne, White, Williamson, Willis.—29.

*Noes*—Messrs. Boudinot, S. Bourne, B. Bourne, Clarke, Fitzsimons, Goodhue, Gordon, Hartley, Hillhouse, Huger, Kitchell, Kittera, Lawrance, Leonard, Livermore, Niles, W. Smith, Sturges, Silvester, Vining, Wadsworth.—21.

| CHAP. II.   | The Constitution—Laws to carry into Effect, &c.   | 1792.                       |
|---|---|-----------------------------|
| 2d Congress.<br>1st Session.  | The remaining part of the amendment was then agreed to, and the bill and amendments were ordered to a third reading; and on the 15th of February, the bill was read a third time and passed.  | H. Journal<br>p. 509.       |
| Amend-<br>ment a-<br>greed to.<br>Bill passed.<br>Senate dis-<br>agrees to<br>one amend-<br>ment. | The amendments were taken up and considered in the Senate, on the 16th, 17th, and 20th, when they were all agreed to except the one which had stricken out the ninth section, and inserted a substitute, and to this the Senate disagreed.  | S. Journal,<br>p. 392, 393. |
| House re-<br>cedes.   | On the 21st, a motion was made in the House of Representatives to recede from the amendment to which the Senate had disagreed, which was decided in the affirmative by the following vote:—<br><i>Ayes</i> —Messrs. Ames, Barnwell, Benson, Boudinot, S. Bourne, B. Bourne, Clarke, Dayton, Findley, Fitzsimons, Gerry, Goodhue, Hartley, Hillhouse, Huger, Jacobs, Key, Kitchell, Kittera, Lawrance, Leonard, Livermore, Murray, Niles, Schoonmaker, Sedgwick, I. Smith, W. Smith, Silvester, Tucker, Wadsworth.—31.<br><i>Noes</i> —Messrs. Baldwin, Brown, Gilman, Griffin, Grove, Macon, Madison, Moore, Muhlenberg, Page, Parker, Seney, Jere. Smith, Sterrett, Sturges, Sumpter, Thatcher, Tredwell, Venable, Vining, Wayne, White, Williamson, Willis.—24.   | H. Journal,<br>p. 515, 516. |
| 1st Congress.<br>1st Session.   | THE style or title by which the President of the United States should be addressed, constituted a subject of considerable difficulty to the first Congress. On the 23d of April, 1789, the Senate adopted a resolution, the first part of which is in these words:—<br>“ <i>Resolved</i> —That a committee, consisting of three members, be appointed to consider and report, what style or titles it will be proper to annex to the offices of President and Vice-President of the United States; if any other than those given in the Constitution.”<br>Messrs. Lee, Izard, and Dalton, were appointed of this committee. The House of Representatives, acquiescing in the object of this resolution, on the 24th appointed Messrs. Benson, Ames, Madison, Carroll, and Sherman, to be a committee on their part. | 1789.                       |
| Style and<br>title of Pre-<br>sident, &c.   |   | S. Journal<br>p. 16.        |
| Commit-<br>tee.   |   | H. Journal<br>p. 20.        |
|   | In the Senate, on the 24th, a motion was made to reconsider the commission of this committee; which was agreed to, and a  |                             |

2d Congress.  
1st Session.

*Ayes*—Messrs. Ashe, Baldwin, Brown, Fitzsimons, Giles, Gilman, Gregg, Grove, Jacobs, Key, Macon, Madison, Mercer, Moore, Muhlenberg, Murray, Page, Parker, Seney, Jere. Smith, Steele, Sterrett, Sturges, Sumpter, Thatcher, Tredwell, Venable, Vining, Wayne, White, Williamson, Willis.—32.

*Noes*—Messrs. Ames, Barnwell, Benson, Boudinot, S. Bourne, B. Bourne, Clarke, Gerry, Goodhue, Heister, Hillhouse, Huger, Kitchell, Kittera, Leonard, Livermore, Niles, Schoonmaker, Smith, Silvester, Tucker, Wadsworth.—22.

The question was then taken on agreeing to the substitute proposed for the ninth section, and decided in the affirmative. H. Jour. p. 507.

Recommitted.

On the 13th, the bill and amendments were recommitted to a committee of the whole house, and on the following day they were again considered in committee, and the committee again reported the bill with an amendment in the words following:—

Reported with amendment.

“To the end of the first section, add—

“Which electors shall be equal to the number of senators and representatives to which the several states may, by law, be entitled, at the time when the President and Vice-President, thus to be chosen, should come into office: *Provided always*—That where no apportionment of representatives shall have been made after any enumeration, at the time of choosing electors, then the number of electors shall be according to the existing apportionment of senators and representatives.’”

A decision of the question on this amendment being required; namely, “That the house do agree to the first part of the said amendment, in the words following:—‘To the end of the first section,’ add—

“Which electors shall be equal to the number of senators and representatives to which the several states may by law be entitled, at the time when the President and Vice-President, thus to be chosen, should come into office.’”

This part of the motion was decided in the affirmative, by the following vote:—

*Ayes*—Messrs. Ashe, Baldwin, Brown, Findley, Gerry, Gilman, Gregg, Griffin, Grove, Heister, Jacobs, Lee, Macon, Mercer, Moore, Murray, Page, Parker, Schoonmaker, Jere. Smith, I. Smith, Sterrett, Tredwell, Tucker, Venable, Wayne, White, Williamson, Willis.—29.

*Noes*—Messrs. Boudinot, S. Bourne, B. Bourne, Clarke, Fitzsimons, Goodhue, Gordon, Hartley, Hillhouse, Huger, Kitchell, Kittera, Lawrance, Leonard, Livermore, Niles, W. Smith, Sturges, Silvester, Vining, Wadsworth.—21.

| CHAP. II.   | The Constitution—Laws to carry into Effect, &c.   | 1792.                     |
|---|---|---------------------------|
| 2d Congress.<br>1st Session.  | The remaining part of the amendment was then agreed to, and the bill and amendments were ordered to a third reading; and on the 15th of February, the bill was read a third time and passed.  | H. Journal<br>p. 509.     |
| Amend-<br>ment a-<br>greed to.<br>Bill passed.<br>Senate dis-<br>agrees to<br>one amend-<br>ment. | The amendments were taken up and considered in the Senate, on the 16th, 17th, and 20th, when they were all agreed to except the one which had stricken out the ninth section, and inserted a substitute, and to this the Senate disagreed.  | S. Journal<br>p. 392, 393 |
| House re-<br>cedes.   | On the 21st, a motion was made in the House of Representatives to recede from the amendment to which the Senate had disagreed, which was decided in the affirmative by the following vote:—<br><i>Ayes</i> —Messrs. Ames, Barnwell, Benson, Boudinot, S. Bourne, B. Bourne, Clarke, Dayton, Findley, Fitzsimons, Gerry, Goodhue, Hartley, Hillhouse, Huger, Jacobs, Key, Kitchell, Kittera, Lawrance, Leonard, Livermore, Murray, Niles, Schoonmaker, Sedgwick, I. Smith, W. Smith, Silvester, Tucker, Wadsworth.—31.<br><i>Noes</i> —Messrs. Baldwin, Brown, Gilman, Griffin, Grove, Macon, Madison, Moore, Muhlenberg, Page, Parker, Seney, Jere. Smith, Sterrett, Sturges, Sumpter, Thatcher, Tredwell, Venable, Vining, Wayne, White, Williamson, Willis.—24. | H. Journal<br>p. 515, 516 |

|   |   |                      |
|---|---|----------------------|
| 1st Congress.<br>1st Session.             | THE style or title by which the President of the United States should be addressed, constituted a subject of considerable difficulty to the first Congress. On the 23d of April, 1789, the Senate adopted a resolution; the first part of which is in these words:—<br>“ <i>Resolved</i> —That a committee, consisting of three members, be appointed to consider and report, what style or titles it will be proper to annex to the offices of President and Vice-President of the United States; if any other than those given in the Constitution.”<br>Messrs. Lee, Izard, and Dalton, were appointed of this committee. The House of Representatives, acquiescing in the object of this resolution, on the 24th appointed Messrs. Benson, Ames, Madison, Carroll, and Sherman, to be a committee on their part. | 1789.                |
| Style and<br>title of Pre-<br>sident, &c. |   | S. Journal<br>p. 16. |

|                  |  |                      |
|------------------|--|----------------------|
| Commit-<br>tees. | In the Senate, on the 24th, a motion was made to reconsider the commission of this committee; which was agreed to, and a | H. Journal<br>p. 20. |
|------------------|--|----------------------|

at Congress  
at Session.

motion to strike out the words, "what titles it will be proper to annex to the offices of President and of Vice-President of the United States, if any other than those given in the Constitution," was negatived. A motion, "that the words 'style or,' before the word 'title,' be added," passed in the affirmative.\*

Report in  
house a-  
reed to.

On the 5th of May, the committee of the House of Representatives reported, "That it is not proper to annex any style or title to the respective styles or titles of office expressed in the Constitution;" and this report was agreed to by the House. The com-

H. Journal,  
p. 27.

Senate re-  
port disa-  
reed to.

mittee of the Senate made a report on the 7th, which was considered on the following day, and disagreed to. The question was

S. Journal,  
p. 23.

New com-  
mittee and  
instruction.

then taken, "Whether the President of the United States shall be addressed by the title of "*His Excellency*," and decided in the negative. Messrs. Lee, Ellsworth, and Johnson, were then appointed a committee "to consider and report under what title it will be proper for the Senate to address the President of the United States." This committee reported on the 9th, and the report was ordered to lie for consideration. The Senate then adopted the following order:—

Id. p. 24.

"*Ordered*—That Mr. Lee, Mr. Ellsworth, and Mr. Johnson, be a committee, to confer with any committee to be appointed by the House of Representatives, on the difference of opinion now subsisting between the two houses, respecting the title of the President of the United States:—"

And, on motion for reconsideration, the instruction to the committee was agreed to, as follows:—

"That they consider and report under what title it will be proper for the President of the United States, in future, to be addressed, and confer thereon with such committee as the House of Representatives may appoint for that purpose."

The committee appointed on the 8th, was subsequently ordered to confer with the committee of the house, in obedience to the last order; and the report which that committee made, on the 9th, was postponed.

Ibid.

Motion in  
the house.

When the order of the Senate had been communicated to the House of Representatives, a motion was made, on the 11th of May, that the House agree to the following resolution:—

H. Journal,  
p. 32.

\* The words of the resolution are given *verbatim* from the Journals of both houses, so that it will be seen that the phraseology "style or titles," occurs in the original proposition. The motion, on the 24th, seems to have been an error. The looseness with which the Journals were kept, is apparent.

1st Congress.  
1st Session.

*Resolved*—That this House having, on Tuesday last, adopted the report of their committee appointed to confer with the committee of the Senate, stating “that it is not proper to annex any style or title to the respective styles or titles of office expressed in the Constitution,” and having in their address to the President of the United States, on Friday last, proceeded to act pursuant thereto, deem it improper to accede to the proposition made by the Senate, as communicated by their order of the ninth instant, for appointing a committee to confer with a committee of this House in considering and reporting under what title it will be proper for the President of the United States, in future, to be addressed.”

Motion  
lost.

The previous question having been demanded, the house determined that the main question should not be now put. So the motion was lost.

House  
committee.

The House then acquiesced in the order of the Senate, and appointed Messrs. Madison, Trumbull, Page, Benson, and Sherman, to be a committee on their part.

Disagree.

On the 14th, the committee on the part of the Senate, reported “that they had conferred with a committee of the House of Representatives, but could not agree upon a report.” The committee appointed on the 9th, “to consider and report under what title it will be proper for the Senate to address the President of the United States, reported that, in the opinion of the committee, it will be proper thus to address the President: *His Highness, the President of the United States of America, and Protector of their Liberties.*”

S. Journal,  
p. 25.

This report was postponed, and the following resolution was agreed to:—

Report of  
Senate  
committee.

“From a decent respect for the opinion and practice of civilized nations, whether under monarchical or republican forms of government, whose custom is to annex titles of respectability to the office of their chief magistrate; and that, on intercourse with foreign nations, a due respect for the majesty of the people of the United States, may not be hazarded by an appearance of singularity, the Senate have been induced to be of opinion, that it would be proper to annex a respectable title to the office of President of the United States; but the Senate, desirous of preserving harmony with the House of Representatives, where the practice lately observed in presenting an address to the President, was without the addition of titles, think it proper, for the present, to act in conformity with the practice of that house:—

Resolution  
of Senate.

*Therefore, Resolved*—That the present address be, ‘*To the President of the United States,*’ without addition of title.”



## CHAP. II.

## The Constitution—Laws to carry into Effect, &amp;c.

1789.

1st Congress.  
1st Session.

A motion was made to strike out the preamble, as far as the words "But the Senate," which was decided in the negative, and, on motion for the main question, it passed in the affirmative.

Compensa-  
tion of Pre-  
sident, &c.

The first section of the second article of the Constitution pre- H. Journal,  
scribes that the President shall, at stated times, receive for his P. 26.  
services a compensation, &c.

For the purpose of carrying this provision into effect, a motion was made in the House of Representatives, on the 1st of May, 1789, that the house do come to the following resolution:—

"Resolved—That — *per annum* be the compensation to be allowed to the President of the United States, during the time for which he is elected."

Resolution  
of the  
House of  
Represent-  
atives.

This resolution was committed to a committee of the whole house on the state of the Union; and on the 25th of May, this committee was discharged from further proceeding on the motion, and a committee was appointed, under other provisions of the Constitution, to take into consideration the subject of compensa- Id. p. 40.  
tions to be made for the services of the President, Vice-President, the members of the Senate, and House of Representatives. This committee consisted of Messrs. Baldwin, Vining, Livermore, Ma- Id. p. 41.  
dison, Benson, Burke, Fitzsimons, Boudinot, Wadsworth, Gerry, Id. p. 43.  
Cadwalader, and Smith, of Maryland. From this committee, a Id. p. 60.  
report was made on the 1st of June, and on the 13th of July, it Id. p. 61.  
was taken up for consideration. On the 16th, the report, amend-  
ed so as to read in the following manner, was agreed to:—

Compensa-  
tion of Pre-  
sident.

"That there be allowed to the President of the United States, as compensation for his services, the sum of twenty-five thousand dollars *per annum*, to be paid in equal quarterly payments at the treasury.

Vice-Pre-  
sident.

"That there be paid, in like quarterly payments, to the Vice-President of the United States, five thousand dollars *per annum*.

Senators  
and repre-  
sentatives.

"That the daily pay of the members of the Senate and House of Representatives, for their attendance at the time ap-  
pointed for the meeting of their respective houses, and for the time they shall be going to, and returning therefrom, allowing the travel of twenty miles for each day, be six dollars, and of the speaker of the House of Representatives, twelve dollars."

Committee  
to prepare  
bills.

Messrs. Burke, Stone, and Moore, were appointed a committee to prepare and bring in a bill, or bills, pursuant to these resolutions, "with instruction to insert a clause, or clauses, making

Id. p. 64.

## CHAP. II.

## The Constitution—Laws to carry into Effect, &amp;c.

1789.

1st Congress.  
1st Session.

provision for a reasonable compensation to the secretary of the Senate, and clerk of the House of Representatives, respectively, for their services."

Bill con-  
cerning  
President  
and Vice-  
President.

On the 22d of July, Mr. Burke, from this committee, presented a bill for allowing a compensation to the President and Vice-President of the United States, which was read a first time. And the committee was then further instructed to insert, in the bill making compensation to the members of the Senate and House of Representatives, a clause, or clauses, making compensation to the sergeant-at-arms, messengers, and door-keepers, of the two houses, for their service.

H. Journal  
p. 64.

The bill was read a second time on the 23d; and, on the 24th, it received its third reading, was recommitted to a committee of the whole house, reported with several amendments, and ordered to lie on the table. On the 3d of August the amendments were agreed to, and the bill was ordered to a third reading; and it was passed on the following day.

Id. p. 65, 66

Bill passed  
the Senate.

Id. p. 70.

Bill read  
and com-  
mitted in  
Senate.

The bill received its first and second reading, in the Senate, on the 5th and 6th of August, and was referred to a committee, composed of Messrs. Morris, Read, Elmer, Schuyler, Langdon, Carroll, Ellsworth, Strong, Few, Izard, and Lee. The bill was reported on the 7th, with an amendment; to wit:—To expunge, in the provision for the Vice-President, "five thousand dollars," and insert "six thousand dollars."

S. Journal,  
p. 52, 54.

Motions to  
amend.

An unsuccessful motion was made to reduce the provision for the President of the United States, from twenty-five thousand to twenty thousand dollars; and also another, to increase the provision for the Vice-President, from five thousand to eight thousand dollars. After the failure of these motions, the further consideration of the bill was postponed. The bill was not again

Id. p. 55, 56

Amended  
and passed.

taken up until the 7th of September, when, after being so amended as to increase the compensation of the Vice-President to six thousand dollars, it was read a second time and passed. The

Id. p. 72.

House dis-  
agree.  
Senate in-  
sist.  
Confer-  
ence.

House, on the following day, disagreed to this amendment; and, on the same day, the Senate insisted on their amendment, requested a conference, and appointed Messrs. King, Izard, and Morris, to be managers on the part of the Senate. On the 9th, the House agreed to a conference, and appointed Messrs. Baldwin, Livermore, and Goodhue, to be managers on their part. Mr. Baldwin made a report to the House, from this committee, on the 17th, when the House determined to adhere to their disagreement to the amendment of the Senate. And, on the 21st, the Senate receded from their amendment.

H. Journal  
p. 104.

S. Journal,  
p. 76.

H. Journal  
p. 105, 106

House ad-  
here.  
Senate re-  
cede.

Id. p. 113

S. Journal  
p. 84.

## CHAP. II.

The Constitution—Laws to carry into Effect, &amp;c.

1789.

at Congress.  
1st Session.Bill for  
compensation  
of senators  
and representa-  
tives.Read  
twice.  
Commit-  
ted.  
Amended.Recommit-  
ted.

Amended.

Passed.

Read in Se-  
nate.Commit-  
ted.Reported  
amend-  
ments.

On the 4th of August, the bill for allowing compensation to the members of the Senate and House of Representatives of the United States, and to the officers of both houses, was presented from the same committee which had reported the bill concerning the President and Vice-President, and was read a first time. On the next day, it received its second reading, and was committed to a committee of the whole house for to-day. The bill was then taken up in committee, and some progress was made therein. On the 6th, the committee reported several amendments, some of which were agreed to, and others rejected; and the bill was then ordered to a third reading. On the 7th, the bill was read the third time, and recommitted to a committee of the whole house. It was then considered in committee, reported with several amendments, which were agreed to; and the bill, with its amendments, was ordered to be again engrossed, and read the third time on the following Monday. On the day specified, the bill was read the third time; and the question on its passage was decided in the affirmative, by the following vote:—

*Ayes*—Messrs. Baldwin, Benson, Brown, Burke, Carroll, Clymer, Fitzsimons, Gale, Griffin, Hartley, Heister, Huntington, Lawrance, Lee, Madison, jr., Mathews, Moore, Muhlenberg, Page, Scott, Seney, Smith, of Maryland, Smith, of South Carolina, Stone, Sturges, Sumpter, Trumbull, Tucker, Vining, Wadsworth.—30.

*Noes*—Messrs. Ames, Boudinot, Cadwalader, Floyd, Gerry, Gilman, Goodhue, Grout, Hathorn, Leonard, Livermore, Partridge, Van Rensselaer, Sedgwick, Silvester, Thatcher.—16.

The bill was then sent to the Senate, where it received its first and second readings on the 11th and 12th of August. On the 25th, the bill was committed to Messrs. King, Morris, Carroll, Izard, and Lee. On the 27th, Mr. King reported amendments; and, on the 28th, the Senate proceeded to their consideration, as follows:—

Strike out the enacting clause of the bill; to wit:

*“Be it enacted, by the Senate and House of Representatives of the United States of America, in Congress assembled—*That, at every session of the Congress of the United States, or whenever the Senate shall assemble for the purpose of exercising any of the powers and duties in them vested by the Constitution, every member of each branch shall be entitled to receive at the rate of six dollars, and the speaker of the House of Representatives twelve dollars, for every day he shall attend;

H. Journal,  
P. 71.

Id. p. 72.

Id. p. 73.

Id. p. 74.

Id. p. 75,  
76.S. Journal,  
P. 58, 59.

Id. p. 64.

Id. p. 65.

Id. p. 55,  
56.

1st Congress.  
1st Session.

Reported  
amend-  
ments.

and shall, also, be allowed, at the commencement of every session, six dollars for every twenty-five miles of the estimated distance, by the most usual route by land, from his place of residence to the seat of Congress, and the same allowance at the end of every session. And in every case in which the Senate may be convened in the recess of Congress, each member thereof attending shall be entitled to the same allowance:—*Provided*, That no senator shall be entitled to more than one such allowance for any one session of the Senate; nor more than at the rate of six dollars per day from the end of any one session to the commencement of a succeeding session: and in case any member shall, on his journey to or from the session of that branch of which he is a member, be detained by sickness, or be unable to attend after his arrival, he shall be entitled to the like daily compensation."

And substitute the following:—

*"Be it enacted, by the Senate and House of Representatives of the United States of America, in Congress assembled—That, at every session of Congress, and at every meeting of the Senate, in the recess of Congress, prior to the 4th day of March, in the year 1795, each senator shall be entitled to receive six dollars for every day he shall attend the Senate; and shall, also, be allowed, at the commencement and end of every such session and meeting, six dollars for every twenty miles of the estimated distance, by the most usual road, from his place of residence to the seat of Congress; and in case any member of the Senate shall be detained, by sickness, on his journey to or from any such session or meeting, or, after his arrival, shall be unable to attend the Senate, he shall be entitled to the same daily allowance: *Provided, always—* That no senator shall be allowed, for travelling expenses, a sum exceeding the rate of six dollars a day, from the end of one such session or meeting, to the commencement of another.*

*"And be it further enacted—That, at every session of Congress, and at every meeting of the Senate, in the recess of Congress, after the aforesaid 4th day of March, in the year 1795, each senator shall be entitled to receive eight dollars for every day he shall attend the Senate; and shall, also, be allowed, at the commencement and end of every such session and meeting, eight dollars for every twenty miles of the estimated distance, by the most usual road, from his place of residence to the seat of Congress; and in case any member of the Senate shall be detained by sickness, on his journey to or from any such session or meeting, or, after his*

1st Congress. 1st Session. arrival, shall be unable to attend the Senate, he shall be entitled to the same allowance of eight dollars a day: *Provided, always—*  
 Reported That no senator shall be allowed, for travelling expenses, a sum  
 amendments. exceeding the rate of eight dollars a day, from the end of one such session or meeting, to the commencement of another.

*“ And be it further enacted—*That, at every session of Congress, each representative shall be entitled to receive six dollars for every day he shall attend the House of Representatives, and shall, also, be allowed, at the commencement and end of every session, six dollars for every twenty miles of the estimated distance, by the most usual road, from his place of residence to the seat of Congress; and in case any representative shall be detained by sickness, on his journey to or from the session of Congress, or, after his arrival, shall be unable to attend the House of Representatives, he shall be entitled to the daily allowance aforesaid; and the speaker of the House of Representatives, to defray the incidental expenses of his office, shall be entitled to receive, in addition to his compensation as a representative, six dollars for every day he shall attend the house.”

The consideration of the report was then postponed for the purpose of taking up the following resolution:—

Discrimi- *“ Resolved—*That there ought to be a discrimination between  
 nation be- the compensation to be allowed to the senators and to the mem-  
 tween se- bers of the House of Representatives.”  
 nators and  
 representa-  
 tives.

And the resolution was then passed in the affirmative by the following vote:—

*Yeas—*Messrs. Bassett, Butler, Dalton, Ellsworth, Few, Gunn, Henry, Johnson, Izard, King, Lee, Morris, Read.—13.

*Nays—*Messrs. Carroll, Elmer, Maclay, Paterson, Schuyler, Wingate.—6.

The consideration of the report was then resumed; and a motion was made to strike out “six dollars,” as the proposed allowance for representatives, and insert “five dollars.” This motion was decided in the negative by the following vote:—

*Yeas—*Messrs. Ellsworth, Elmer, Johnson, Maclay, Schuyler, Wingate.—6.

*Nays—*Messrs. Bassett, Butler, Carroll, Dalton, Few, Gunn, Henry, Izard, King, Lee, Morris, Paterson, Read.—13.

The clause providing for the compensation of representatives, as reported by the committee, was then agreed to.

It was then moved to allow twenty miles for a day’s travel, in the clause providing for the compensation to the senators,

1st Congress.  
1st Session.

"prior to the 4th day of March, 1795;" and this motion was agreed to.

Motions to  
amend.

A motion was then made to strike out of the report the words "prior to the 4th day of March, in the year 1795," in the same clause of the report; but this motion was not sustained.

It was then moved to amend the clause making provision for the senators, by striking out six dollars, and inserting five dollars; and this question was decided in the negative by the following vote:—

S. Journal,  
p. 67.

*Yeas*—Messrs. Elmer, Maclay, Schuyler, Wingate.—4.

*Nays*—Messrs. Bassett, Butler, Carroll, Dalton, Ellsworth, Few, Gunn, Henry, Johnson, Izard, King, Lee, Morris, Read.—14.

A motion was then made to amend the second section of the report of the committee, in which provision is made for compensation to the senators, after the year 1795, by striking out the words "eight dollars," wherever they occur, and inserting "seven dollars." And this motion was determined in the affirmative. The report of the committee was then accepted in its amended form.

The Senate then proceeded in the consideration of the bill. It was moved to amend the clause, "that there shall be allowed to each chaplain of Congress at the rate of five hundred dollars *per annum*, during the sessions of Congress, by striking out the words "at the rate of five," and inserting the word "four;" and, also, by striking out the words "during the sessions of Congress." This motion was agreed to.

The clause, to wit: "To the secretary of the Senate and clerk of the House of Representatives, at the rate of 1500 dollars *per annum*, each, to commence from their respective appointments; and, also, a further allowance of two dollars per day to each, during the session of the branch for which he officiates," was so amended, as to make the allowance to the secretary of the Senate 1600, in lieu of 1500, dollars, consequently, expunging the word "each;" and, also, so as to leave out the words "and, also, a further allowance of two dollars per day to each during the session of the branch for which he officiates."

In the following clauses: "To employ one principal clerk, who shall be paid *at the rate of* three dollars;" and also, "and an engrossing clerk, who shall be paid *at the rate of* two dollars per day;" the words, "*at the rate of*" were, in both instances, stricken out.

The bill was then ordered to a third reading on Monday.

at Congress.  
st Session.

d reading.  
Amend-  
ments.

On Monday the 31st of August, the Senate proceeded to the third reading of the bill.

It was then moved, that the clause in which six dollars a day is allowed to the speaker of the House of Representatives, "to defray the incidental expenses of his office," be so amended, as to read "three dollars," instead of "six dollars," but the motion was not sustained by the house. The proviso in the first clause was then so amended as to read thus: "*Provided, always*—That no senator shall be allowed a sum exceeding the rate of six dollars a day, from the end of one such session; or meeting, to the time of his taking his seat in another;" and the proviso at the end of the second enacting clause, was also modified so as to read, "*Provided, always*—That no senator shall be allowed a sum exceeding the rate of seven dollars a day, from the end of one such session, or meeting, to the time of his taking his seat in another." The following proviso was also added to the third enacting clause in this report: "*Provided, always*—That no representative shall be allowed a sum exceeding the rate of six dollars a day, from the end of one such session, or meeting, to the time of his taking his seat in another."

A motion was then made, to reconsider the additional compensation agreed to for the secretary of the Senate, and to concur with the House of Representatives in the compensation proposed in the bill, as it came from that house, for the secretary of the Senate, and for the clerk of the House of Representatives, excepting the words "at the rate of;" and this motion was agreed to. An unsuccessful motion was then made to reconsider the amendment made by the Senate, in the compensation to chaplains, and to concur in the proposition of the House of Representatives.

S. Jour  
P. 67, 61

Motions were then made to reduce the compensation for the sergeant-at-arms, from four to three dollars per day, and for the door-keepers of the two houses, from three dollars to two dollars per day; but they were negatived; as also was a subsequent motion to strike out the clauses that relate to door-keepers and assistant door-keepers.

Bill passed.

House dis-  
agree to  
three  
amend-  
ments.

The bill was then concurred in, with the amendments. On the 2d of September, the House of Representatives considered the amendments of the Senate, and disagreed to the first, second, and third amendments, and agreed to all the others. On the 3d, some further amendments to the bill were reported to the Senate, from the committee originally appointed to examine the bill, the consideration of which was postponed; and on the

H. Jour  
P. 95.

S. Jour  
P. 70. 7

1st Congress.  
1st Session.

Senate ad-  
here to 1st  
amend-  
ment.

Recede  
from 2d  
and 3d.

Confer-  
ence.

House ad-  
here.

7th, the Senate proceeded to consider the resolution of the House of Representatives, disagreeing to the first, second, and third amendments of the Senate. It was then moved that the Senate do adhere to their first amendment, and this question was determined in the affirmative, by the following vote:—

*Yeas*—Messrs. Bassett, Butler, Dalton, Ellsworth, Gunn, Henry, Johnson, Izard, King, Lee, Morris, Read.—12.

*Nays*—Messrs. Carroll, Elmer, Paterson, Schuyler, Wingate.—5.

The Senate then receded from their second and third amendments.

The House of Representatives, on the 8th, proceeded to reconsider the first amendment, and adopted a resolution to desire a conference with the Senate, on the subject matter of this amendment; appointing Messrs. Sherman, Tucker, and Benson, to be the managers on the part of the house. The Senate, agreeing to the proposed conference, appointed Messrs. King, Izard, and Morris, to be the managers on their part. Mr. Sherman made a report to the house from this committee on the 10th, when a motion was made to recede from their disagreement to the first amendment, and to agree to the same, with an amendment, by adding to the end of the bill the following clause:—

*“And be it further enacted—That this act shall continue in force until the 4th day of March, in the year 1796, and no longer.”*

The question being taken on this proposition, it was determined in the negative, by the following vote:—

*Ayes*—Messrs. Ames, Baldwin, Benson, Brown, Cadwalader, Clymer, Fitzsimons, Gale, Gerry, Griffin, Hartley, Huntington, Lawrance, Lee, Livermore, Madison, jr., Moore, Muhlenberg, Scott, Sherman, Smith, of South Carolina, Trumbull, Vining, Wynkoop.—24.

*Noes*—Messrs. Bland, Boudinot, Burke, Carroll, Coles, Contee, Floyd, Foster, Gilman, Goodhue, Grout, Hathorn, Heister, Jackson, Mathews, Page, Parker, Partridge, Van Rensselaer, Schureman, Seney, Silvester, Sinnickson, Smith, of Maryland, Stone, Sumpter, Thatcher, Tucker, White.—29.

The house then determined to adhere to their disagreement. On the following day, however, the house proceeded to reconsider the subject, so far as relates to the adherence of the House to their disagreement to the first amendment proposed by the Senate. Some debate ensued as to the regularity of the motion, and the question being put—“Is the said motion in order?” it was

H. Journal,  
p. 105.

S. Journal,  
p. 76.

H. Journal,  
p. 106, 107.

Id. p. 108;



## CHAP. II.

## The Constitution—Laws to carry into Effect, &amp;c.

1799.

1st Congress.  
1st Session.

Recon-  
sider  
pro-  
ceedings.

decided in the affirmative. The question was then put, "that the house do now proceed to reconsider the proceedings of yesterday;" and was decided in the affirmative, by the following vote:—

*Ayes*—Messrs. Ames, Baldwin, Benson, Boudinot, Brown, Burke, Cadwalader, Carroll, Clymer, Fitzsimons, Gale, Gerry, Griffin, Hartley, Huntington, Lawrance, Lee, Livermore, Madison, jr., Moore, Muhlenberg, Page, Scott, Sherman, Smith, of South Carolina, Trumbull, Vining, Wadsworth, Wynkoop.—29.

*Noes*—Messrs. Bland, Coles, Contee, Floyd, Foster, Gilman, Goodhue, Grout, Hathorn, Heister, Jackson, Mathews, Parker, Partridge, Van Rensselaer, Schureman, Seney, Silvester, Sinnickson, Smith, of Maryland, Stone, Sumpter, Thatcher, Tucker, White.—25.

It was then moved that the House do recede from their disagreement to the first amendment of the Senate, and do agree to the same with an amendment; adding to the end of the bill, the following clause:—

"*And be it further enacted*—That this act shall continue in force until the 4th day of March, in the year 1796, and no longer."

Recede.

And the question on this motion was decided in the affirmative, by the following vote:— H. Journal, p. 109.

*Ayes*—Messrs. Ames, Baldwin, Benson, Boudinot, Brown, Burke, Cadwalader, Carroll, Clymer, Fitzsimons, Gale, Gerry, Griffin, Hartley, Huntington, Lawrance, Lee, Livermore, Madison, jr., Moore, Muhlenberg, Scott, Sherman, Smith, of South Carolina, Trumbull, Vining, Wadsworth, Wynkoop.—28.

*Noes*—Messrs. Bland, Coles, Contee, Floyd, Foster, Gilman, Goodhue, Grout, Hathorn, Heister, Jackson, Mathews, Page, Parker, Partridge, Van Rensselaer, Schureman, Seney, Silvester, Sinnickson, Smith, of Maryland, Stone, Sumpter, Thatcher, Tucker, White.—26.

Committee  
to ascertain  
compensa-  
tion due.

The Senate concurring in this amendment, the bill was passed. S. Journal, p. 79.

On the 24th of September, the House of Representatives appointed a committee, consisting of Messrs. Fitzsimons, Smith, of Maryland, and Baldwin, to ascertain the amount of the compensation due to the members of this house, respectively, and of the several officers thereof, together with the contingent expenses of the session; and, on the 26th, the Senate appointed Messrs. Win- H. Journal, p. 120.

gate, Dalton, and Henry, a committee to ascertain the attendance and travelling expenses of the members of the Senate. S. Journal, p. 90.

## CHAP. II.

## The Constitution—Laws to carry into Effect, &amp;c.

1793.

2d Congress.  
2d Session.Bill for  
compensation  
of President  
and Vice-President.

On the 5th of February, 1793, the House of Representatives appointed Messrs. Sedgwick, Dayton, and Barnwell, a committee to prepare and bring in a bill, or bills, for allowing a compensation to the President and Vice-President of the United States, to commence from the 4th day of March next. The bill was presented to the house on the 6th, when it was read a first time. It then received its second reading, and was committed to a committee of the whole house. On the following day, the bill was considered in committee, and several amendments were reported, which were agreed to. It was then moved further to amend the bill, by adding to the end thereof the following section, namely:—

H. Journal,  
690.

Id. p. 693.

Id. p. 694,  
695.Motion to  
amend.

*“And be it further enacted—That this act shall continue in force for and during the term of four years, from the 3d day of March next, and no longer.”*

Negatived.

This motion was decided in the negative, by the following vote :

*Ayes*—Messrs. Ashe, Baldwin, Clarke, Findley, Giles, Gordon, Gregg, Griffin, Grove, Hartley, Heister, Jacobs, Kitchell, Lee, Macon, Madison, Mercer, Moore, Muhlenberg, Parker, Schoonmaker, Silvester, Steele, Sumpter, Tredwell, Venable, White.  
—27.

*Noes*—Messrs. Ames, Barnwell, Benson, Boudinot, S. Bourne, B. Bourne, Dayton, Fitzsimons, Gerry, Gilman, Goodhue, Greenough, Hillhouse, Hindman, Huger, Key, Lawrance, A. Learned, G. Leonard, Livermore, Murray, Niles, Page, Sedgwick, Jere. Smith, I. Smith, W. Smith, Sturges, Thatcher, Tucker, Wadsworth, Ward, Williamson.—33.

The bill and amendments were then ordered to be engrossed for a third reading, and on the 8th, the bill was read a third time. In the Senate the bill went through its different stages, on the 8th, 9th, and 11th, without opposition.

S. Journal,  
p. 482, 483.1st Congress.  
1st Session.

Judiciary.

Committee  
to prepare  
bill.

THE 3d article of the Constitution, Section I., directs that “the judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish.”

1789.

To carry into effect this provision of the Constitution, on the 7th of April, 1789, the Senate appointed Messrs. Ellsworth, Paterson, Maclay, Strong, Lee, Bassett, Few, and Wingate, to be a committee, “to bring in a bill for organizing the judiciary of the United States.” On the 12th of June, Mr. Lee, on behalf of this committee, reported a bill “to establish the Judicial

S. Journal,  
p. 10.

Id. p. 34.

- 1st Congress. 1st Session.** Courts of the United States," which was read a first time; and Monday, the 22d, was assigned for its second reading. The consideration of the bill, on its second reading, occupied the Senate on the 22d, 23d, 24th, 25th, 26th, 29th, 30th of June, the 1st, 2d, and 3d of July. On the 6th, the bill was ordered to its third reading. The consideration of the bill, on its third reading, caused discussions which occupied the Senate on the 7th, 8th, 9th, 10th, 11th, and 13th. S. Jour. p. 36, 39.
- Bill read 1st time. 2d time.** On the 9th, an unsuccessful motion was made to amend the sixth line of the 27th section, by inserting these words, "that grand jurors, in all cases whatever, and petit jurors, in all cases not punishable with death." And a similar result attended another motion to amend the eleventh line of the same section, by inserting these words: "that petit jurors, in all cases punishable with death, shall be returned from the body of the county in which the offence was committed." Id. p. 41.
- 3d reading.** On the 10th, the following amendments were agreed to:—In section 29th, line eleventh, after the word "for," to insert "the executor or administrator;" and to expunge the words, "the estate of the deceased in the hands of such," and insert "the," line twelfth, "or by." In section 30th, to add, "and may, at any time, permit either of the parties to amend any defect in the process or pleadings, upon such conditions as the said courts, respectively, shall, in their discretion, and by their rules, prescribe." In section 31st, line first, to expunge the words, "by the authority aforesaid." So in all cases where the words are redundant. In line second, next after "that," inclusive, expunge the words "every justice," &c., as far as to "was committed," in line ninth. In section 31st, line 10th, after "by," insert these words: "justice or judge of the United States, or by." It was then agreed to reconsider the amendment, page 13th, line thirty-fifth, "or on any hearing of a cause in equity in a circuit court," and, in line thirty-ninth, to reconsider "or Supreme Court, as the case may be." So the words were stricken out. Id. p. 41.
- Motions to amend.** On the 11th, a motion was made to insert, between section 17th and 18th, the following clause: "*And be it further enacted*—That it shall be the duty of circuit courts, in causes in equity, and of admiralty and maritime jurisdiction, to cause the facts on which they found their sentence or decree, fully to appear upon the record, either from the pleadings and decree itself, or a state of the case, agreed by the parties or their counsel, or, if they disagree, by a stating of the case by the court." It was then moved to postpone this motion, and to take up the follow-

## CHAP. II.

## The Constitution—Laws to carry into Effect, &amp;c.

1789.

1st Congress,  
1st Session.Motions to  
amend.

ing: "*And be it further enacted*—That it shall be the duty of Circuit Courts, in the trial of causes in equity, and of admiralty jurisdiction, where facts are contested, to cause the evidence exhibited at the hearing to be reduced to writing, if either of the parties require it, or a state of the facts to be made, if the parties agree thereto." This motion to postpone was decided in the negative. It was then moved to expunge the word "facts," and insert the word "evidence;" but the motion was not successful. The original motion was then agreed to. It was then agreed to expunge the 15th section: "*And be it further enacted*—That suits in equity," &c.; and also, in section 20th, page 8th, line sixth, to expunge the word "containing," and insert these words: "whereto shall be annexed and returned therewith, at the day and place therein mentioned." It was then moved that, in the trial of causes in the Supreme Court upon a writ of error from a Circuit Court, the justices who sat on the trial of the cause below, shall not vote on the decision of the cause, except where the court shall be equally divided, but may assign the reasons of their former decision;" but this motion was negatived; as also was a motion to insert the following clause: "but no judge of the Supreme Court shall sit on any cause wherein he has given judgment in a Circuit Court."

On the 18th, further amendments were agreed to; to wit: to strike out from the word "where," line 3d, section 22d, to the words "writ of error," in line 6th; and what follows the word "*supersedeas*," in line 12th, to the word "execution," inclusive; and insert, instead thereof, "and whereupon such writ or error." To expunge "well as his costs," in the last line, and insert as follows: "also, single or double costs, in their discretion." To restore the 15th section, adding the words "plain, adequate, and," before "complete." Section 18th, last line, to expunge the word "shall," and insert as follows: "but in the discretion of the court may be adjudged to." Section 9th, last line, insert "issues in." It was then moved by Mr. Lee, seconded by Mr. Grayson, to reconsider the 27th section, and insert, after the word "services," in the 11th line, "*Provided, always*—

S. Journal,  
p. 41.

Recommitted or engrossed.

The bill was then ordered to be *recommitted*, according to the Journal; but it is presumed that this is an error, and it ought to have read "*engrossed*," as the next proceeding on the bill is on the 17th, in these words:—

Id. p. 42.

1st Congress.  
1st Session.

The engrossed bill "to establish the Judicial Courts of the United States," was read; and, upon the question "Shall the bill pass?" the yeas and nays being required by one-fifth of the senators present, the determination was as follows:—

*Yeas*—Messrs. Bassett, Carroll, Dalton, Ellsworth, Elmer, Few, Gunn, Henry, Johnson, Izard, Morris, Paterson, Read, Strong.—14.

*Nays*—Messrs. Butler, Grayson, Langdon, Lee, Maclay, Wingate.—6.

Bill read in  
house.

In the House of Representatives, the bill received its first and second reading, on the 20th of July, and was committed to a committee of the whole house on the following Monday. Owing, however, to the intervention of other business, the bill was postponed, *de die in diem*, until Monday, the 24th of August, when it was taken up for consideration in committee of the whole. Some progress was made on that day in committee, but the subject was not resumed until the 29th. On that day, and on Monday, the 31st, further progress was made, but the bill was not again taken up until the 8th of September. It was again considered on the 9th, 11th, 12th, and 14th, when the committee rose and reported several amendments. On the 15th, the house proceeded to consider these amendments. It was then moved to amend the third section of the bill, by striking out the word "*Eastown*," and inserting, in lieu thereof, the word "*Chester-town*." This motion, however, was determined in the negative by the following vote:—

*Ayes*—Messrs. Benson, Floyd, Gerry, Goodhue, Hartley, Heister, Lawrance, Livermore, Moore, Muhlenberg, Parker, Scott, Seney, Silvester, Smith, of Maryland, Smith, of South Carolina, Thatcher, Trumbull, Vining, Wynkoop.—20.

*Noes*—Messrs. Baldwin, Bland, Brown, Cadwalader, Carroll, Contee, Fitzsimons, Foster, Gale, Gilman, Griffin, Hathorn, Lee, Madison, jr., Mathews, Page, Van Rensselaer, Schureman, Sherman, Sinnickson, Stone, Sumpter, White.—23.

Amended. On the 16th, the bill was further considered, and the amendments of the committee of the whole amended and agreed to. The bill was then ordered to its third reading; and on the 17th

Passed. the bill was read a third time, and passed.

The Senate having received the bill and amendments from the House on the same day, committed them to Messrs. Ellsworth, Butler, and Paterson. On the 19th, Mr. Ellsworth made a report from this committee; whereupon,

"Resolved—That the 9th, 16th, 41st, and 52d amendments be

H. Jour.  
p. 63.

Id. p. 9

Id. p. 1

Id. p. 1

Id. p. 1

Id. p. 1

Id. p. 1

Id. p. 1

Id. p. 1

Id. p. 1

Id. p. 1

Id. p. 1

Id. p. 1

Id. p. 1

Id. p. 1

Id. p. 1

Id. p. 1

Id. p. 1

Id. p. 1

Id. p. 1

Id. p. 1

Id. p. 1

Id. p. 1

Id. p. 1

Id. p. 1

Id. p. 1

Id. p. 1

Id. p. 1

Id. p. 1

Id. p. 1

Id. p. 1

Id. p. 1

Id. p. 1

Id. p. 1

Id. p. 1

Id. p. 1

Id. p. 1

## CHAP. II.

## The Constitution—Laws to carry into Effect, &amp;c.

1790.

1st Congress.  
1st Session.Senate a-  
gree to  
some a-  
mend-  
ments, dis-  
agree to  
others.

disagreed to; and that the rest be agreed to, with an amendment to the 48th amendment, so that the clause there proposed to be inserted shall read as follows: 'That, in cases punishable with death, the trial shall be had in the county where the offence was committed; or, where that cannot be done without great inconvenience, twelve petit jurors, at least, shall be summoned from thence; and jurors, in all cases, to serve in the courts of the United States, shall be designated, by lot or otherwise, in each state respectively, according to the mode of forming juries therein, now practised; so far as the laws of the same shall render such designation practicable by the courts or marshals of the United States, and the jurors.' "

S. Journal,  
p. 82.House re-  
cede.

On the 21st, the House of Representatives proceeded to reconsider such of the amendments as were disagreed to by the Senate, and determined to recede from the whole of them, and to agree to the modification and amendment of their 48th amendment, as proposed by the Senate.

H. Journal,  
p. 115.1st Congress.  
2d Session.Extension  
of judicia-  
ry act to  
North Ca-  
rolina.

NORTH CAROLINA having adopted the Constitution, on the 20th of May, 1790, a committee, consisting of Messrs. Williamson, Gerry, and Steele, was appointed by the House of Representatives, to prepare and bring in a bill to extend the "act to establish the Judicial Courts of the United States" to the state of North Carolina. This bill was reported on the following day, and read a first and second time; and, on the 24th, it received its third reading, and was passed. In the Senate, the bill passed through its different stages on the 24th, 27th, and 28th, without opposition.

1790.

H. Journal,  
p. 219.

Id. p. 220.

S. Journal,  
p. 144—  
147.Extension  
of judicial  
system to  
R. Island.

The official notification of the accession of Rhode Island to the Constitution, was made by the President of the United States to the two houses, on the 1st of June, 1790; and, on the same day, Messrs. Sedgwick, Benson, and Tucker, were appointed a committee to bring in a bill, or bills, for giving effect to the laws of the United States within that state. On the 4th, Mr. Sedgwick, from this committee, reported a bill for giving effect to an act, entitled "An act to establish the Judicial Courts of the United States within the state of Rhode Island and Providence Plantations," which received its three readings on that day and the two following days. And, on the 9th, the bill passed the Senate.

H. Journal,  
p. 232.

Id. p. 234.

Id. p. 235.

S. Journal,  
p. 153.

| CHAP. II.                                | The Constitution—Laws to carry into Effect, &c.  | 1789.  |
|--|--|--|
| 1st Congress.<br>1st Session.            | <p>A COMMITTEE was appointed by the House of Representatives, on the 16th of September, 1789, consisting of Messrs. Burke, Moore, and Lawrance, to prepare and bring in a bill for establishing the salaries of the judicial department. On the 17th, Mr. Burke, according to order, presented a bill allowing certain compensations to the judges of the Supreme and other Courts, and to the attorney general of the United States; and the bill was then read a first and second time, and committed to a committee of the whole house. On the 18th, the bill was considered in committee of the whole, and the committee reported several amendments. These amendments were agreed to; and the bill was read a third time, and passed on the following day. On the same day, the bill received its first reading in the Senate; and, on the 21st, the Senate proceeded to the second reading of the bill. It was then moved to amend the clause, providing for the salary of the chief justice, by striking out "thirty-five hundred," and inserting "four thousand," and this motion was agreed to. A motion was then made to amend the bill, by inserting "five hundred," at the end of "three thousand," in the salaries of the associate justices of the Supreme Court; and this question was determined as follows:—</p> <p><i>Yeas</i>—Messrs. Butler, Carroll, Gunn, Izard, King, Morris, Paterson, Read, Schuyler.—9.</p> <p><i>Nays</i>—Messrs. Bassett, Dalton, Ellsworth, Grayson, Henry, Johnson, Lee, Maclay, Wingate.—9.</p> <p>The numbers being equal, the Vice-President gave his casting vote in the affirmative.</p> <p>It was then ordered that the rules be so far dispensed with, as that the bill have a third reading at this time.</p> <p>An unsuccessful motion was then made to strike out the sum of four thousand dollars as the salary of the chief justice, and insert three thousand eight hundred. The salary of the attorney general was then raised from "fifteen hundred" to "two thousand dollars;" and, with these amendments, the bill received the concurrence of the Senate.</p> <p>The bill having been returned to the House, it was there determined, on the same day, to agree to the first, second, and third amendments of the Senate, and to disagree to the fourth amendment. The Senate having receded from their fourth amendment, the bill was passed.</p> | <p>H. Journal, p. 112.</p> <p>Id. p. 113.</p> <p>Id. p. 114.</p> <p>Id. p. 115.</p> <p>S. Journal, p. 83.</p> <p>H. Journal, p. 116.</p> <p>S. Journal, p. 84.</p> |
| Salaries of<br>judicial de-<br>partment. |  |  |
| Progress of<br>bill.                     |  |  |
| Bill passed.                             |  |  |

| CHAP. II.   | The Constitution—Laws to carry into Effect, &c.   | 1790.   |
|---|---|---|
| 1st Congress.<br>2d Session.                              | On the 5th of August, 1790, the House of Representatives passed an order, in the following words:—  | H. Journal,<br>p. 289.  |
| Order that<br>attorney<br>general re-<br>port.            | “ <i>Ordered</i> —That the attorney general report to this house, at the next session of Congress, on such matters relative to the administration of justice under the authority of the United States, as may require to be remedied; and that he also report such provisions, in the respective cases, as he shall deem advisable.”  |   |
| 2d Session.   | On the 31st of December, 1790, the speaker of the House of Representatives presented a letter from the attorney general, accompanying his report on such matters relative to the administration of justice, &c., made pursuant to the order of the house of the fifth of August last. The documents, having been read, were committed to a committee of the whole house for Wednesday se’nnight. The subject was not afterwards taken up during this session.   | Id. p. 347.   |
| Report of<br>attorney<br>general.                         |   |   |
| 2d Congress.<br>1st Session.                              | At the commencement of the second Congress, on the 3d of November, this report of the attorney general was again committed to a committee of the whole house, (with the propositions to amend the Constitution.) On the 9th of November, the attorney general was directed to report to the house such further information as he might be in possession of, relative to the operation of the judicial system. On the 30th of November, the speaker laid before the house a letter from the attorney general, respecting his report on the judicial system of the United States, and it was then “ <i>ordered</i> —That so much of the order of the 9th, as directs the attorney general to report to this house such further information as he may be in possession of, relative to the operation of the judicial system, be discharged.” The committee of the whole house was also discharged from the further consideration of the subject, and it was referred to a special committee, consisting of Messrs. Sedgwick, Hillhouse, Lawrance, Boudinot, Kittera, Murray, and Madison. On the 28th of December, the President of the United States, in a message to the two houses, communicated the copy of a letter from the attorney general. The message, in the Senate, was ordered to lie for consideration; and, in the House of Representatives, it was referred to the committee which had the subject in charge; and to which Mr. Ames and Mr. Sturges were added on the 6th of January. On the 18th, Mr. Lawrance made a report from this committee, which was laid on the table, and was taken up for | 1791.<br>H. Journal,<br>p. 448.<br>Id. p. 451.<br>Id. p. 465.<br>S. Journal,<br>p. 360.<br>H. Journal,<br>p. 482.<br>1792.<br>H. Journal,<br>p. 489, 493,<br>495. |
| Report<br>committed.<br>Further re-<br>port order-<br>ed. |   |   |
| Attorney<br>general’s<br>report re-<br>ferred.            |   |   |
| Further<br>communi-<br>cation.                            |   |   |
| Report of<br>committee.                                   |   |   |



2d Congress.  
1st Session.

consideration on the 23d, when the house adopted a resolution in the following words:—

Resolution  
of house.

*“Resolved—That it would be proper to make it the duty of the attorneys in the several districts, to pursue the instructions which, from time to time, shall be given them, respectively, by the attorney general of the United States, in all matters touching their respective offices, and to correspond with him on any matter relative to judicial business, which shall arise within their respective districts, and upon which they shall request such advice, or he shall think it proper for him to interfere; and to make it lawful for the attorney general, in any suit, in which the United States shall be a party, or shall be interested, and in every court whatsoever, to advocate the United States, although such suit shall not have been originally instituted by him, or under his direction; and that, for the purpose of assisting him in the execution, as well of the duties herein assigned him, as of those heretofore assigned him by law, he may appoint a clerk, who, for his services, shall be allowed at the rate of — dollars by the year.”*

This resolution was accompanied by an order that the committee prepare and bring in a bill, or bills, to carry it into effect.

Bill con-  
cerning at-  
torney ge-  
neral.

On the 24th, Mr. Lawrance, according to order, presented a bill concerning the office of the attorney general of the United States, which received its first and second reading, and was committed to a committee of the whole house. This bill was not further acted on.

2d Session.

The judicial system, however, it was still found, did not work with that harmony and efficiency which were desirable. At the second session of the second Congress, the President of the United States laid before the two houses of Congress, “a copy of a letter and representation from the chief justice and associate judges of the Supreme Court of the United States, stating the difficulties and inconveniences, which attend the discharge of their duties according to the present judiciary system.” This communication was made on the 7th of November, 1792; and, on the following day, the letter and representation were committed to Messrs. Livermore, Benson, Kittera, Venable, and W. Smith, “with instruction to examine the same, and report their opinion thereupon to the house.”

S. Journal,  
p. 455.

H. Journal,  
p. 614.

Commit-  
tees to pre-  
pare bills  
relating to  
judiciary.

On the 21st of November, the Senate appointed Messrs. Ellsworth, Strong, Monroe, Johnston, and King, to be a committee to take the judiciary system into consideration, and report thereon to the Senate.

S. Journal,  
p. 469.

A committee was also appointed by the House of Representa-

H. Journal,  
p. 658.

| CHAP. II.   | The Constitution—Laws to carry into Effect, &c.  | 1792.  |
|---|--|--|
| 2d Congress.<br>2d Session.   | tives, on the 31st of December, consisting of Messrs. White, W. Smith, and I. Smith, to prepare and bring in a bill or bills to explain the act, entitled "An act to establish the judicial courts of the United States, in respect to taking bail in criminal cases."   |  |
| Bill report-<br>ed.   | The last named committee reported on the following day, and the bill presented, according to order, received its first and second reading, and was committed to a committee of the whole house.  | H. Journal,<br>P. 659.   |
| Senate bill<br>in addition<br>to the act<br>to establish<br>the judicial<br>courts pass-<br>ed. | On the 3d of January, Mr. Ellsworth, from the Senate committee, appointed to take the judiciary system into consideration, reported a bill on that subject, which was read a first time. On the following day, the "bill, in addition to the act, entitled 'An act to establish the Judicial Courts of the United States,'" was again taken up, on the question of its second reading. The second reading was resumed on the 7th, when the bill, having been amended, was ordered to a third reading. It received its third reading, and was passed, on the 8th of January.  | 1793.<br>S. Journal,<br>P. 467.<br>Id. p. 468,<br>469.   |
|   | This bill was read a first and second time, on the same day, in the House of Representatives, and the House then discharged the committee to which had been referred the letter and representations of the chief justice and associate judges, from the further consideration of the subject. On the 28th of January, the committee of the whole house, to whom the bill had been referred, was discharged from its further consideration, and it was committed to a special committee, consisting of Messrs. Benson, Hillhouse, Wm. Smith, White, and Kittera. On the 15th of February, Mr. Benson, from this committee, reported several amendments to the bill, which were referred to a committee of the whole house. On Monday, the 18th, the bill and amendments were considered in committee of the whole, and were reported with amendments, which were agreed to by the house. The bill and amendments were then ordered to lie on the table. On the 20th, the bill was passed. | H. Journal,<br>P. 663—<br>665.<br><br>Id. p. 684.<br><br>Id. p. 704.<br><br>Id. p. 705.<br><br>Id. p. 709. |
| Passed by<br>house with<br>amend-<br>ments.   | The amendments made by the House of Representatives were taken up for consideration by the Senate, on the 22d; and, after some debate, their further consideration was postponed. On the 23d, they were again discussed, and again postponed; and, on the 25th, the amendments of the House were concurred in, with amendments. The House of Representatives, on the 27th, agreed to the amendments proposed by the Senate, with the following amendment; namely: "in the amendments of the Senate to the first amendment of the House, after the word 'absent,' in the 5th line, insert these words: 'or shall have been of coun-   | S. Journal,<br>P. 491.<br><br>Id. p. 493,<br>494.<br><br>H. Journal,<br>P. 720.                            |
| Amend-<br>ments con-<br>curred in,<br>with a-<br>mend-<br>ments.                                |  |  |

## CHAP. II.

## The Constitution—Laws to carry into Effect, &amp;c.

1793.

- Congress. Session.** sel, or be concerned in interest in any cause then pending." The Senate, on the same day, agreed to the amendment of the House. *S. Journal, p. 497.*
- Bill concerning bail, process, and costs.** A bill was introduced into the House of Representatives, on the 22d of February, 1793, "concerning bail, process, and costs, in the courts of the United States," which was then read a first and second time, but was not afterwards acted on. *H. Journal, 713.*

- Congress. Session.** On the 30th of July, 1790, a committee was appointed by the House of Representatives, consisting of Messrs. Benson, Vining, and Smith, of South Carolina, to prepare and bring in a bill or bills, making provision for the officers of the Judicial Courts of the United States, and for jurors and witnesses attending the same; and, on the 29th, the committee was discharged from any further proceeding thereon. *1790. H. Journal, p. 286. 289.*

- Committee prepare bill.** A committee was again appointed by the house, at the commencement of the third session of the first Congress, consisting of Messrs. Sedgwick, Sturges, and Contee, to prepare and bring in a bill, or bills, to establish a temporary provision for the clerks of the several Judicial Courts of the United States, for the marshals of districts, and for the attendance and services of jurors in the Circuit and District Courts. This committee was organized on the 3d of February; and, on the 11th, Mr. Sedgwick presented a bill providing compensation for clerks, marshals, and jurors, which received its first and second reading, and was committed to a committee of the whole house, for the following Tuesday. The bill was amended in committee of the whole, on the 19th and 21st, and was then reported to the house with an amendment, which was agreed to; and the bill and amendment were then recommitted to Messrs. Sherman, Benson, Seney, White, and Livermore. *1791. H. Journal, p. 369. Id. p. 375. Id. p. 384, 385.*

- Amendatory bill.** On the 24th of February, Mr. Sherman, from this committee, presented an amendatory bill providing compensations for the officers of the several courts of law, and for jurors and witnesses; which was read a first and second time, and committed to a committee of the whole house. The bill was considered in committee on the 28th, and reported without an amendment. The bill was then amended, and ordered to be engrossed for a third reading; and, on the 1st of March, it was read a third time. And the question on its passage was decided in the affirmative by the following vote:— *Id. p. 389. Id. p. 395. Id. p. 396, 397.*

CHAP. II.

The Constitution—Laws to carry into Effect, &amp;c.

1791.

1st Congress.  
3d Session.Passed in  
House.

*Ayes*—Messrs. Ames, Benson, B. Bourne, Burke, Cadwalader, Carroll, Clymer, Contee, Fitzsimons, Foster, Gale, Gerry, Griffin, Hartley, Huntington, Lawrance, Lee, Livermore, Madison, jr., Scott, Sedgwick, Seney, Sherman, Smith, of Maryland, Smith, of South Carolina, Sturges, Trumbull, Wadsworth, White, Wynkoop.—30.

*Noes*—Messrs. Ashe, Baldwin, Bloodworth, Boudinot, Brown, Floyd, Gilman, Grout, Giles, Hathorn, Jackson, Leonard, Moore, Muhlenberg, Parker, Partridge, Van Rensselaer, Schureman, Silvester, Sinnickson, Stone, Sumpter, Thatcher.—23.

The bill was then sent to the Senate, where it was read a first time, as follows:—

Bill, as sent  
to Senate.

*"Section 1. Be it enacted, by the Senate and House of Representatives of the United States of America, in Congress assembled—*

S. Journal,  
p. 293, 294.

That there be allowed to the several officers following, in addition to the fees (except mileage to the marshals) to which they are otherwise by law entitled, and also to jurors and witnesses, in the courts of the United States, the following respective compensations: that is to say—To the attorney of the United States for the district, for his expenses and time in travelling from the place in the state where the office of the clerk of the District Court is kept, to the other place in the district where a Circuit Court is directed to be held, at the rate of ten cents per mile going, and the same allowance for returning: To the clerk of the District Court for attending in the District or Circuit Court, five dollars a day, and the like compensation for travelling as is above allowed to the attorney for the district: To the clerk of the Supreme Court, for attending in court, eight dollars per day: To the marshal of the district, for attending the Supreme Circuit, or District Courts, five dollars per day; for summoning grand jury, three dollars; and for summoning a petit jury, two dollars; and for serving a writ, five cents per mile from the place where the office of the clerk of the District Court is kept to the place where the writ shall be served; but there shall not, in any case, be an allowance of mileage to the marshals exceeding one hundred miles: To the grand and petit jurors, each, fifty cents per day, for attending in court, and for travelling, at the rate of fifty cents for every ten miles, from their respective places of abode, to the place where the court is held, and the like allowance for returning: To witnesses summoned on the part of the United States, or in behalf of any prisoner to be tried for any capital offence in any of the courts thereof, the same compensa-

tion as is above allowed to grand and petit jurors. That the several officers above specified shall be deemed to have been entitled to the above respective compensations, from the time of their respective appointments; and that the grand and petit jurors and witnesses who have heretofore attended, shall, also, be deemed entitled to the above compensation, in like manner as those who shall hereafter attend. That there shall also be paid to the marshal the amount of the expense for fuel, candles, and other reasonable contingencies for holding a court, as hath accrued or shall accrue; and the compensation to the grand and petit jurors and witnesses, shall be included in the account of, and paid to the marshal, to the use of, and be by him accordingly paid over to, the several persons entitled to the same. And the accounts of the several officers for the compensations aforesaid, (except mileage to the marshal, for the service of writs in civil causes,) having been previously examined and certified by the judge of the district, shall be passed in the usual manner at, and the amount thereof paid out of, the treasury of the United States. And a sum arising from the fines and forfeitures to the United States, and equal to the amount thereof, is hereby appropriated for the payment of the above accounts.

*“Sect. 2. And be it further enacted—*That, instead of the provisions in that respect heretofore made, the first session of the Circuit Courts in the Eastern circuit, after the passing of this act, shall commence at the times following; that is to say: In New York district, on the fifth, and in Connecticut district, on the twenty-fifth, days of April next: in Massachusetts district, on the twelfth, and in New Hampshire district, on the twenty-fourth, days of May next: and in Rhode Island district, on the seventh day of June next: and the subsequent sessions in the respective districts on the like days of every sixth calendar month thereafter: except when any of these days shall happen on a Sunday, and then the sessions shall commence on the next day following. And the sessions of the said Circuit Court shall be held, in New Hampshire district, at Portsmouth and Exeter, alternately, beginning at the first; in Massachusetts district, at Boston; in Rhode Island district, at Newport and Providence, alternately, beginning at the first; in Connecticut district, at Hartford and New Haven, alternately, beginning at the last; and in New York district, at the city of New York only.

*“Sect. 3. And be it further enacted—*That from and after the passing of this act, instead of the provisions in the act for

## CHAP. II.

## The Constitution—Laws to carry into Effect, &amp;c.

1791.

1st Congress.  
2d Session.

that purpose, the sessions of the Circuit Court for the district of Virginia shall be holden in the city of Richmond only.

Bill, as sent  
to Senate.

*"Sect. 4. And be it further enacted—*That this act shall continue in force until the end of the next session of Congress, and no longer."*"*

The bill was read a second time, on the same day, and was committed to Messrs. Ellsworth, Henry, and King, to consider and report thereon. On the 3d, Mr. Ellsworth reported the bill with amendments, which were agreed to. The bill was then read a third time, and passed with the following amendments:—

Amend-  
ments.

*"Sect. 1, line 7.—*Strike out from the word 'place,' to the word 'at,' in the 9th line, and insert, 'of his abode to any court of the United States, in which his attendance shall be requisite.

*"Line 16 to 19.—*Strike out from the word 'serving,' to the word 'to,' and insert 'and returning a writ, five cents per mile for his necessary travel.'

*"Strike out from the word 'jurors,' in the 19th line, to the word 'to,' in the 23d line, and insert, 'such compensations respectively, as they would by law be entitled to for attending the courts of the state of which they are citizens.'*

*"Strike out from the word 'thereof,' in the 24th line, to the word 'that,' in the 25th line, and insert, 'each, fifty cents per day for attending in court, and for travelling five cents per mile, from their respective places of abode to the place where the court is held, and the like allowance for returning.'"*

House dis-  
agree.

The amendments were then sent to the House of Representatives for concurrence. The House proceeded at once to con-

H. Journal,  
p. 404.Senate re-  
cede.

sider the amendments of the Senate, and agreed to some, and disagreed to others. The amendments having been returned to the Senate, were again taken up for consideration. The amendments disagreed to by the House were, the 3d, line 19 to 23, and the 4th, line 24 to 25. The Senate then resolved to recede from these amendments. And so the bill was passed.

1st Congress.  
1st Session.Act to re-  
gulate pro-  
cesses.

ANOTHER bill connected with the judiciary, which demanded the early attention of Congress, was the "act to regulate processes in the courts of the United States." On the 17th of September, 1789, Mr. Lee, from the committee appointed by the Senate to prepare a bill for organizing the judiciary of the United States, reported a bill, entitled "An act to regulate pro-

1789.

S. Journal,  
p. 81.

| CHAP. II.                     | The Constitution—Laws to carry into Effect, &c.   | 1789.   |
|-------------------------------|---|---|
| 1st Congress.<br>1st Session. | cesses in the courts of the United States," which then received its first reading; and on the 18th and 19th, the bill passed through its other stages, and was sent to the House of Representatives for concurrence. On the 19th, the bill was read a first and second time in the House of Representatives, and was committed to a committee of the whole house. The bill was considered in committee on the 23d and 24th, and was reported to the house with several amendments, which are as follow:—  | S. Journal,<br>p. 82, 83.   |
| Passed by<br>Senate.          |   | H. Journal,<br>p. 115.  |
| Committed<br>in House.        |   | Id. p. 120.<br>122.   |
| Amend-<br>ments.              | <p>"Section first, line third. Strike out the words, 'the President of.'</p> <p>"Section second, line third. After the word 'fees,' insert, 'except fees to judges.' Line fifth, after the words, 'and the,' insert, 'forms and modes of.' Line eighth, after the words 'civil law,' insert 'and the rates of the fees the same as are, or were last, allowed by the states, respectively, in the court exercising supreme jurisdiction in such causes.'"</p>   |   |
| Amend-<br>ments<br>agreed to. | <p>The question on the first amendment was then decided in the affirmative, by the following vote:—</p> <p><i>Ayes</i>—Messrs. Bland, Burke, Coles, Contee, Floyd, Gerry, Griffin, Grout, Hartley, Hathorn, Heister, Jackson, Lee, Livermore, Madison, jr., Mathews, Moore, Muhlenberg, Parker, Scott, Seney, Stone, Sumpter, Tucker, White.—25.</p> <p><i>Noes</i>—Messrs. Ames, Baldwin, Benson, Clymer, Fitzsimons, Foster, Gale, Gilman, Goodhue, Lawrance, Leonard, Partridge, Sherman, Silvester, Sinnickson, Thatcher, Vining, Wynkoop.—18.</p> <p>The other amendments were then agreed to.</p> | Id. p. 122,<br>123.   |
| 2d Session.                   | <p>On the 19th of January, 1790, the Senate ordered—That Messrs. Strong, King, Johnson, Ellsworth, and Henry, be a committee to report "a bill to regulate processes in the courts of the United States." On the 23d of April, Mr. Strong, from this committee, reported a bill, "to continue in force an act passed at the last session of Congress, to regulate processes in the courts of the United States, which was then read a first time. On the 26th, this bill received its second reading, and was read a third time and passed on the following day.</p>                                    | <p>1790.</p> <p>S. Journal,<br/>p. 106.</p> <p>Id. p. 133.</p> <p>Id. p. 134.</p> <p>H. Journal,<br/>p. 202—<br/>204.</p> |
| Passed Se-<br>nate.           |   |   |
| Passed by<br>House.           | <p>The bill was read a first and second time in the House of Representatives on the 27th and 28th of April, and was passed on the following day.</p>  |   |
| 3d Session.                   | <p>The House of Representatives, on the 5th of February, 1791, appointed Messrs. Sedgwick, Sturges, and Contee, a committee to</p>  | <p>1791.</p> <p>H. Journal,<br/>p. 370.</p>   |

## CHAP. II.

## The Constitution—Laws to carry into Effect, &amp;c.

1791.

1st Congress.  
2d Session.Bill further  
to continue  
act in force.

Bill passed.

prepare and bring in a bill, or bills, further to continue in force an act passed the first session of Congress, entitled "An act to regulate civil processes in the courts of the United States;" and, on the 9th, Mr. Sedgwick presented a bill, which was then read a first time. This bill also passed through without delay, being read a second and third time, on the 10th and 11th of February. On the 11th, 12th, and 14th, the bill went through its various stages in the Senate without opposition.

H. Journal,  
p. 373—  
375.S. Journal,  
p. 261. 263.  
268.2d Congress.  
1st Session.Bill to com-  
pensate of-  
ficers and  
regulate  
processes.

THIS bill having also expired, when the second Congress assembled, the Senate, on the 1st of November, 1791, appointed Messrs. Henry, Strong, and Monroe, to be a committee to report a bill providing compensation for the officers of the judicial courts of the United States, and for jurors and witnesses.

Id. p. 335.

On the 26th of January, 1792, Mr. Henry, from this committee, reported "a bill for regulating processes in the courts of the United States, and providing compensations for the officers of the said courts, and for jurors and witnesses," which was read a first time. The bill was under consideration on the 30th, 31st, 1st, 2d, and 3d, of February, when sundry amendments having been made, it was ordered to a third reading. The bill was further considered on the 6th, and again on the 13th, when a motion to insert, at the end of section 2, these words, "and be at liberty to pursue the same until a tender of the debt and cost in gold or silver shall be made," was determined in the affirmative, by the following vote:—

1792.

S. Journal,  
p. 379.Id. p. 384.  
386.Id. p. 387.  
389.Passed by  
Senate.

*Yeas*—Messrs. Bassett, Burr, Cabot, Carroll, Dickinson, Ellsworth, Foster, Izard, King, Langdon, Morris, Read, Rutherford, Strong.—14.

*Nays*—Messrs. Bradley, Butler, Few, Gunn, Hawkins, Henry, Johnston, Lee, Monroe, Robinson, Sherman, Stanton, Wingate.\*—13.

After agreeing to some further amendments, the bill was passed. The following is a copy of the bill, as it went from the Senate to the House.

Copy of  
bill.

"Section 1. *Be it enacted, by the Senate and House of Representatives of the United States of America, in Congress assembled—* That all writs and processes issuing from the Supreme or a Circuit Court, shall bear test of the chief justice of the Supreme Court; and, if from a District Court, shall bear test of the judge of such court, and shall be under the seal of the court from whence they

Id. p. 389  
—391.



2d Congress.  
1st Session.

Copy of  
bill.

issue, and signed by the clerk thereof. The seals to be provided at the expense of the United States.

"Section 2. *And be it further enacted*—That, until other provision shall be made, and except where, by this act, or other statutes of the United States, it is otherwise provided, the forms of writs and executions, except their style, and the modes of process, and proceedings in suits at common law, shall be the same in each state respectively, as are now used or allowed in the highest common law courts, having original jurisdiction of the same. And the forms and modes of proceeding in causes of equity, and of admiralty and maritime jurisdiction, shall be, except where the laws of the United States otherwise provide, according to the course which hath obtained in the states respectively in like causes, or in states which have not courts of equity jurisdiction, or have not had courts of admiralty and maritime jurisdiction, according to the course of proceedings in such courts, respectively, in any adjoining, or the nearest state in which they are, or have been, instituted; subject, however, to such deviations in each state, by rule of court, as a difference of circumstances may require, or as may be requisite to prevent unnecessary delay and expense: *Provided*—That on judgment in any of the cases aforesaid, where different kinds of executions are issuable in succession, a *capias ad satisfaciendum* being one, the plaintiff shall have his election to take out a *capias ad satisfaciendum* in the first instance, and be at liberty to pursue the same, until a tender of the debt and cost, in gold or silver, shall be made.

"Sect. 3. *And be it further enacted*—That, from and after the passing this act, the fees and compensations to the several officers and other persons hereafter mentioned shall be as follows: that is to say, to the marshals of the several districts of the United States, for the service of any writ, warrant, attachment, or process, in chancery, on each person named in the same, one dollar; for his travel out in serving each writ, warrant, attachment, or process, as aforesaid, five cents per mile, to be computed from the place of service to the court where the writ or process shall be returned; and if more persons than one are named therein, the travel shall be computed from the court to the place of service which is most remote, adding thereto the extra travel necessary to serve it on the other: *Provided*—That the fee for travel shall, in no case, exceed fifteen dollars; for each bail bond, fifty cents; for selling goods and vessels condemned, and receiving and paying the money, three *per cent.*; for every commitment or discharge of a prisoner, fifty cents; for summoning witnesses, each twenty

2d Congress.  
1st Session.

Copy of  
bill.

cents, and his necessary travel, at five cents per mile, to be computed as aforesaid; for summoning a grand or petit jury, each three dollars, and his necessary travel, at five cents per mile, to be computed in like manner: *Provided*—That in those states where jurors, by the laws of the state, are drawn by constables, or other officers of corporate towns or places, by lot, the marshals shall receive, for the use of such constables or officers, such part of the fees allowed for travel, in summoning juries, as the court to which the juries may be returned, shall direct; for attending the Supreme, Circuit, or District Courts, five dollars per day—and at the rate of ten cents per mile for his expenses and time, in travelling from the place of his abode to either of the said courts; for levying an execution, and for all other services not herein enumerated, such fees or compensation as are allowed in the Supreme Court of the state where the services shall be rendered; to the clerk of the Supreme Court of the United States, ten dollars per day for his attendance in court, and for his other services, in discharging the duties of his office, double the fees of the clerk of the Supreme Court of that state in which the Supreme Court of the United States shall be holden; to the clerk of the District and Circuit Courts, such fees in each state, respectively, as are allowed in the Supreme Courts of the same, and five dollars per day for his attendance on any Circuit or District Court, and at the rate of ten cents per mile for his expenses and time, in travelling from the place of his abode to either of the said courts. And in case any clerk of a court of the United States shall, in discharging the duties of his office, perform any kind of service which is not performed by the clerks of the courts of the state, and for which the laws of the state make no allowance, the court in which such service shall be rendered, may allow a reasonable compensation therefor; to each grand and petit juror, one dollar per day for attending in court, and for travelling at the rate of five cents for every mile, from their respective places of abode to the place where the court is held, and the like allowance for returning; to witnesses summoned on the part of the United States, or in behalf of any prisoner to be tried for a capital offence in any of the courts thereof, the same compensation as is above allowed to grand and petit jurors; to witnesses in other cases, the same compensations in each state respectively as are allowed in Supreme courts of the same; to the attorney of the United States for the district, such fees in each state respectively as are allowed in the Supreme Courts of the same; and also the like compensation for travelling as is above allowed

2d Congress.  
1st Session.

Copy of  
bill.

to the clerk of the District and Circuit Courts; and where the amount of such fees and compensations to the district attorney, shall be less in any year than one fifth part of the salary of the judge of such district, the difference shall be allowed and paid to the attorney at the end of the year.

*“ Sect. 4. And be it further enacted—*That the marshal shall have the custody of all vessels and goods, seized by any officer of the revenue, and shall be allowed such compensation therefor as the court may judge reasonable. And there shall be paid to the marshal the amount of the expense for fuel, candles, and other reasonable contingencies that may accrue in holding the courts within his district, and providing the books necessary to record the proceedings thereof; and such amount, as also the compensations aforesaid, to the grand and petit jurors; to the witnesses summoned on the part of the United States, or in behalf of a prisoner to be tried for a capital offence; to the clerk of the Supreme Court, for his attendance; to the clerks of the District and Circuit Courts, for their travelling and attendance; to the attorney of the district, for travelling to court; to the marshal, for his attendance at court; for summoning grand and petit jurors, and witnesses in behalf of any prisoner to be tried for a capital offence; for the maintenance of prisoners confined in gaol for any criminal offence, and for the commitment or discharge of such prisoner; and also the legal fees of the clerk, attorney, and marshal, in criminal prosecutions, shall be included in the account of the marshal; and the same having been examined and certified by the court, or one of the judges of it, in which the service shall have been rendered, shall be passed in the usual manner at, and the amount thereof paid out of, the treasury of the United States, to the marshal, and shall by him be paid over to the persons entitled to the same. And the marshal shall be allowed two and a half *per centum* on the amount by him so paid over, to be charged in his future account.

*“ Sect. 5. And be it further enacted—*That in every prosecution for any fine or forfeiture incurred under any statute of the United States, if judgment is rendered against the defendant, he shall be subject to payment of costs. And on every conviction for any other offence, not capital, the court may, in their discretion, award that the defendant shall pay the costs of prosecution. And if any informer or plaintiff, on a penal statute, to whose benefit the penalty, or any part thereof, if recovered, is directed by law to accrue, shall discontinue his suit or prosecution, or shall be nonsuited in the same, or if upon trial a verdict

2d Congress.  
1st Session.

Copy of  
bill.

shall pass for the defendant, the court shall award to the defendant his costs, unless such informer, or plaintiff, be an officer of the United States, specially authorized to commence such prosecution, and the court before whom the action or information shall be tried, shall, at the trial, in open court, certify, upon record, that there was reasonable cause for commencing the same, in which case no cost shall be taxed for the defendant.

*"Sect. 6. And be it further enacted—*That the fees and compensations to the several officers and persons hereinbefore mentioned, other than those which are above directed to be paid out of the treasury of the United States, shall be recovered in like manner as the fees of the officers of the states respectively, for like services, are recovered.

*"Sect. 7. And be it further enacted—*That if any officer hereinbefore mentioned, or his deputy, shall, by reason or colour of his office, wilfully and corruptly demand and receive any greater fees than those allowed by this act, he shall, on conviction thereof in any court of the United States, forfeit and pay a fine not exceeding five hundred dollars, or be imprisoned not exceeding six months, at the discretion of the court before whom the conviction shall be.

*"Sect. 8. And be it further enacted—*That the act passed at the last session of Congress, entitled 'An act to continue in force for a limited time, an act passed at the first session of Congress, entitled 'an act to regulate processes in the courts of the United States,' and also another act passed at the last session of Congress, entitled 'an act providing compensations for the officers of the Judicial Courts of the United States, and for jurors and witnesses, and for other purposes,' be, and the same are hereby repealed."

Bill in the  
House.

Read  
twice.

Amended.

Recommit-  
ted.

On the 15th of February, the bill was read a first and second time in the House of Representatives, and was committed to Messrs. Boudinot, Smith, of South Carolina, White, Benson, and Smith, of New Hampshire. This committee made a report on the 4th of April, which was then laid on the table, and on the 12th was committed to a committee of the whole house, with the amendments which had been reported. The bill and amendments were taken up on the 16th, and other amendments having been made in committee, were reported to the house. On the 25th and 26th, the various amendments were under consideration, and were further amended; and the bill and amendments

H. Journal,  
p. 509.

Id. p. 562,  
577.

Id. p. 579.

Id. p. 587.

| CHAP. II.                               | The Constitution—Laws to carry into Effect, &c.   | 1792.                       |
|---|---|-----------------------------|
| 2d Congress.<br>1st Session.            | were ordered to a third reading. After being recommitted and again amended, the bill was passed on the following day.   | H. Journal,<br>p. 590.      |
| Bill<br>passed.                         | The Senate having received the amendments of the House of Representatives, referred them to Messrs. Ellsworth, Bradley, Monroe, Burr, and Henry, to consider and report thereon. On the 1st of May, Mr. Ellsworth made a report which was considered on that and the following day; when all the amendments to the first section were agreed to, as also were—the first amendment to the second section, amended as follows: strike out, from the word "equity," in the 6th line, to the word "subject," in the 10th line of the amendment, and insert "and in those of admiralty and maritime jurisdiction, according to the principles, rules, and usages, which belong to Courts of Equity, and to Courts of Admiralty, respectively, as contradistinguished from Courts of Common Law, except so far as may have been provided for by the act to establish the Judicial Courts of the United States:"—the amendments to the third section, except the third and fourth, with an amendment to the second, by striking out "four" in both places, and inserting "seven:"—the first amendment to the fourth section:—the amendment to the fifth section, and the additional sections, except the second and fifth additional sections, with an amendment to the fourth additional section, so that it shall read as follows: " <i>And be it enacted</i> —That it shall be the duty of the attorneys in the several districts to correspond with the attorney general of the United States, in any matter relative to judicial business which shall arise within their respective districts, and upon which he shall request information from them. | S. Journal,<br>p. 434.      |
| Senate<br>refer the<br>amend-<br>ments. | Id. p. 435,<br>436.   |                             |
| Agree to<br>some.                       | And to all the other amendments in the bill the Senate disagreed.   |                             |
| Disagree to<br>others.                  | The house on the 3d, proceeded to reconsider their amendments, and adopted the following series of resolutions:—<br>"Resolved—That this house doth agree to the amendment proposed by the Senate to their first amendment to the second section.<br>"Resolved—That this house doth recede from their third amendment to the third section; also, from the second section proposed to be added to the end of the bill.<br>"Resolved—That this house doth insist on their second amendment to the second section; on their fourth amendment to the third section; on their second amendment to the fourth section; also, on the fourth and fifth sections proposed to be added to the end of the bill.<br>"Resolved—That a conference be desired with the Senate on the subject matter of the amendments insisted on; and that Mr.  | H. Journal,<br>p. 595, 596. |

2d Congress.  
1st Session.

Madison, Mr. Lawrance, and Mr. Clarke, be appointed managers, at the said conference, on the part of this house."

The question that the house recede from their second amendment to the second section, for striking out the words "*and be at liberty to pursue the same, until a tender of the debt and costs in gold and silver be made,*" was decided in the negative, by the following vote:—

*Ayes*—Messrs. Ames, Benson, Boudinot, S. Bourne, Fitzsimons, Gerry, Gilman, Goodhue, Hillhouse, A. Learned, Murray, Jere. Smith, W. Smith, Steele, Silvester, Thatcher, Wadsworth, Ward.—18.

*Noes*—Messrs. Ashe, Baldwin, Barnwell, B. Bourne, Brown, Clarke, Dayton, Giles, Gordon, Gregg, Griffin, Grove, Heister, Huger, Jacobs, Key, Kitchell, Lawrance, Livermore, Macon, Madison, Moore, Muhlenberg, Niles, Page, Parker, Schoonmaker, Seney, Sheridan, I. Smith, Sterrett, Sturges, Sumpter, Tredwell, Tucker, Venable, White, Williamson.—38.

The Senate, on the same day, determined to insist on their disagreement to the said amendments; and agreeing to the proposed

S. Journal,  
p. 437.

Conference.

conference, appointed Messrs. Ellsworth, King, and Henry, to be managers on the part of the Senate.

Report of  
committee  
of conference.

Mr. Madison made report to the House from this conference, on the 5th of May, "that the managers had, according to order, met the managers on the part of the Senate, in the conference chamber, and fully discussed the subject referred to them, and had agreed that it would be proper, on the part of this House, to recede from the fourth amendment to the third section; as also from the second amendment to the fourth section: but that, on the subject matter of all the other amendments, the managers of the two houses had not come to any agreement." On the 7th, the bill was again taken up by the House, for the purpose of considering the report of the managers. The second amendment to the second section, for striking out the following words, "and be at liberty to pursue the same until a tender of the debt and costs in gold or silver shall be made;" being read, the question, that the house do adhere to this amendment, was determined in the affirmative, by the following vote:—

H. Journal,  
p. 598, 599.

Id. p. 602.

*Ayes*—Messrs. Ashe, Baldwin, Brown, Clarke, Findley, Giles, Gregg, Griffin, Grove, Heister, Jacobs, Key, Kitchell, Lee, Livermore, Macon, Madison, Moore, Muhlenberg, Page, Parker, Seney, I. Smith, Sumpter, Tredwell, Tucker, Venable, White, Williamson, Willis.—30.

Id. p. 603.

## HISTORY OF CONGRESS.

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The Constitution—Laws to carry into Effect, &c.

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1799.

**Nees**—Messrs. Ames, Barnwell, Benson, Boudinot, S. Bourne, Fitzsimons, Gilman, Goodhue, Hillhouse, A. Learned, Murray, Jere. Smith, W. Smith, Steele, Sturges, Silvester, Ward.—17.

The House then resolved to *adhere* to their disagreement to the amendment of the Senate to the fourth section proposed to be added to the bill, and *recede* from all the other amendments disagreed to by the Senate.

In their evening session of the same day, the Senate proceeded to consider the determination of the House of Representatives, in reference to the amendments. It was then moved to *recede* from the disagreement to the second amendment of the second section, which was to strike out the words, already quoted: "*and be at liberty to pursue, &c.*;" and the question was decided in the affirmative. A motion was then made to *adhere* to the disagreement to this amendment, which was decided in the negative, by the following vote:—

S. Journal,  
P. 441.

**Yeas**—Messrs. Cabot, Carroll, Dickinson, Ellsworth, Foster, Izard, King, Morris, Read.—9.

**Nays**—Messrs. Few, Hawkins, Henry, Johnston, Lee, Monroe, Robinson, Sherman, Stanton, Wingate.—10.

It was then determined to *recede* from the other amendment adhered to by the House of Representatives.



ON the 5th of April, 1790, the President of the United States enclosed to the two houses copies of three acts of the legislature of New York, among which was "An act for vesting in the United States of America, the light-house, and lands thereunto belonging, at Sandy Hook." On reception of this message, an order was adopted by the House of Representatives, "that the exemplification of the act of the legislature of the state of New York, entitled 'An act for vesting in the United States of America, the light-house, and lands thereunto belonging, at Sandy Hook,' referred to in the message of to-day, from the President of the United States, be committed to Mr. Page, Mr. Benson, and Mr. Seney, with instruction to examine the same, and report their opinion thereupon to the house."

1790.

H. Journal,  
P. 189.

On the 28th of April, Mr. Page, from this committee, presented a bill "to prescribe the mode in which the public acts, records, and judicial proceedings, in each state, shall be authenticated, so as to take effect in every other state," which then received its first reading. The bill was read a second time on

Id. p. 204.

Id. p. 207.

## CHAP. II.

## The Constitution—Laws to carry into Effect, &amp;c.

1790.

1st Congress.  
2d Session. the 29th, and was committed; and, on the 3d of May, it received its third reading, and was passed and sent to the senate. On the 3d, 4th, and 5th, it had its several readings in the Senate, and passed that branch of the legislature.

2d Congress.  
1st Session. PROVISION is made in the second section of the fourth article of the Constitution, for the delivering up, by a state, of fugitives from justice from another state. In reference to this clause of the Constitution, on the 31st of October, 1791, the house of Representatives passed the following order:— 1791.

Fugitives  
from jus-  
tice.

“Ordered—That a committee be appointed to prepare and bring in a bill, or bills, providing the means, by which persons charged in any state with treason, felony, or other crime, who flee from justice, shall, on the demand of the executive authority of the state from which they fled, be delivered up, to be removed to the state having jurisdiction of the crime; also providing the mode by which a person, held to service or labour in one state, under the laws thereof, escaping into another, shall be delivered up, on claim of the party to whom such service or labour may be due; and that Mr. Sedgwick, Mr. Bourne, of Massachusetts, and Mr. White, be the said committee.” H. Journal, p. 444.

Bill reported. On the 15th of November, Mr. Sedgwick, from this committee, presented a bill respecting fugitives from justice, and from the service of masters, which was read a first and second time, and committed to a committee of the whole house. This bill was not taken up at any subsequent part of the session. Id. p. 454.

Not acted  
on.

2d Session. It was not until the second session of the second Congress, that any further legislative movement was made upon this subject. On the 22d of November, 1792, the Senate appointed Messrs. Johnston, Cabot, and Read, to be a committee to consider the expediency of a law respecting fugitives from justice, and persons escaping from the service of their masters, and, if they think proper, to report a bill. On the 20th of December, a bill was reported by this committee, “respecting fugitives from justice, and persons escaping from the service of their masters,” which was read, and ordered to a second reading. The debate on the second reading, occupied the Senate on the 21st, 24th, 26th, and 27th of December, when a motion was made to postpone the further consideration of the bill to the next session of Congress; which motion was, on the 28th, decided in the negative. The Senate bill respecting fugitives, &c. Id. p. 465.

Read, discussed, and recommit-  
ted. Id. p. 466.

Id. p. 467.



3d Congress.  
2d Session.

Senate bill  
respecting  
fugitives,  
&c.

Passed the  
Senate.

Read twice  
in the  
House.

Read 3d  
time after  
being a-  
mended,  
and passed.

bill was then recommitted, and Messrs. Taylor and Sherman were added to the committee, with an instruction to consider the subject generally, and report thereon. Mr. Johnston, on the 3d of January, reported amendments to the bill, and the report was ordered to be printed. The subject was again taken up on the 4th, and was postponed, by daily motions, after debate, until the 17th, when the report was adopted in an amended form, and the bill was ordered to be amended accordingly. On the 18th, the bill was read a third time, and being further amended, it was moved to strike out five hundred dollars, for the purpose of inserting a less sum in section 4th, the penalty on "any person who shall knowingly and wilfully obstruct, or hinder such claimant, his agent or attorney, in so seizing or arresting such fugitive from labour, or shall rescue such fugitive from such claimant, his agent or attorney, when so arrested, pursuant to the authority herein given or declared; or shall harbour or conceal such person, after notice that he or she was a fugitive from labour, as aforesaid." This motion was determined in the negative, and the bill was then passed.

The bill received its first and second reading on the 21st, and was committed to a committee of the whole house. On the 4th of February, the bill was considered in committee, and was reported with an amendment, which was then agreed to by the house. The bill was read a third time on the 5th, and was passed by the following vote:—

*Ayes*—Messrs. Ames, Ashe, Baldwin, Barnwell, Benson, Boudinot, S. Bourne, B. Bourne, Clarke, Dayton, Findley, Fitzsimons, Gerry, Gilman, Goodhue, Gordon, Greenough, Gregg, Griffin, Grove, Hartley, Hillhouse, Hindman, Huger, Jacobs, Key, Kitchell, Learned, Lee, Leonard, Macon, Moore, Muhlenberg, Murray, Orr, Page, Schoonmaker, Sedgwick, Silvester, I. Smith, W. Smith, Steele, Sumpter, Tucker, Wadsworth, White, Williamson, Willis.—48.

*Nocs*—Messrs. Livermore, Mercer, Niles, Parker, Sturges, Thatcher, Tredwell.—7.

The amendment made by the House of Representatives, which was, to strike out the word "deemed" from the first line of the first section, was considered in the Senate on the 5th of February, and was concurred in, so that the bill was then finally passed.

Amend-  
ment con-  
curred in.

S. Jour  
p. 468  
472.

H. Jour  
p. 676

Id. p.

Id. p.

S. Jour  
p. 480

EARLY in the first session of the first Congress, on the 13th of May, a committee was appointed in the Senate, consisting of

| CHAP. II.   | The Constitution—Laws to carry into Effect, &c.  | 1790.  |
|---|--|--|
| 1st Congress.<br>1st Session.                       | <p>Messrs. Johnson, Read, Langdon, Morris, Dalton, Elmer, Henry, and Gunn, to report a bill defining the crimes and offences that shall be cognizable under the authority of the United States, and their punishment. And, on the 28th of July, Mr. Johnson, from this committee, presented a bill, entitled "An act for the punishment of certain crimes against the United States;" which was read the first time, immediately; and, on the 3d of August, received the second reading. The bill subsequently occupied the Senate on the 11th, 12th, and 13th, when it was ordered to the third reading; and, on the 18th, 26th, and 27th, it was further considered and discussed, and was directed to be engrossed. On the 31st, the bill was passed, and sent to the House of Representatives for concurrence.</p> <p>The bill was read the first and second time, in the House, on the 2d and 3d of September, and was then committed to a committee of the whole house; and, on the 16th, the further consideration of the bill was postponed until the next session of Congress.</p>  | <p>S. Journal, p. 25.</p> <p>Id. p. 48.</p> <p>Id. p. 51, 58, 59.</p> <p>H. Journal, p. 61, 65.</p> <p>Id. p. 68.</p> <p>H. Journal, p. 96, 112.</p> |
| CRIMES<br>AND<br>PUNISH-<br>MENTS.                  |  |  |
| Bill to de-<br>fine crimes<br>and punish-<br>ments. |  |  |
| Passed by<br>Senate.                                |  |  |
| [S. B. 2.]  |  |  |
| Postponed<br>by House.                              |  |  |
| 2d Session.   | <p>At the next session, on the 26th of January, 1790, the Senate again appointed a committee, consisting of Messrs. Ellsworth, Johnson, Strong, Paterson, and Hawkins, to report "a bill defining the crimes and offences that shall be cognizable under the authority of the United States, and their punishment;" and Mr. Ellsworth, on the same day, reported the bill, which was immediately read the first time. The Senate was engaged in the second reading of the bill during the 27th and 28th; when it was read the third time, and the fourth section was amended, to read as follows:—</p> <p>"That the Court before whom any person shall be convicted of the crime of murder, for which he or she shall be sentenced to suffer death, may, at their discretion, add to the judgment, that the body of such offender shall be delivered to a surgeon, for dissection; and the marshal, who is to cause such sentence to be executed, shall, accordingly, deliver the body of such offender, after execution done, to such surgeon as the court shall direct, for the purpose aforesaid: <i>Provided</i>—That such surgeon, or some other person by him appointed for the purpose, shall attend, to receive and take away the dead body, at the time of the execution of such offender."</p> <p>The bill was then passed, and sent to the House of Representatives for concurrence. In the house, the bill received the first reading on the 20th, and, on the 1st of February, was read the</p> | <p>1790.</p> <p>S. Journal, p. 108, 109.</p>   |
| Bill report-<br>ed again.                           |  |  |
| [S. B. 6.]  |  |  |
|   |  | H. Journal, p. 149, 150.   |

| CHAP. II.   | The Constitution—Laws to carry into Effect, &c.  | 1799.   |
|---|--|---|
| 1st Congress.<br>2d Session.  | <p>second time, and committed to a committee of the whole house. The bill was considered, in committee of the whole, on the 5th, 6th, 7th, 8th, and 9th of April, when several amendments were reported, which, after being amended by the Senate, were agreed to, and the bill was ordered to the third reading; and, on the 10th, the bill was read the third time, and passed in the amended form.</p> <p>On the return of the bill, as amended, the Senate proceeded to consider the amendments of the House of Representatives, on the 13th and 14th; when the following resolution was adopted:—</p> <p>“Resolved—That they do agree to the amendments proposed in the 1st, 3d, 8th, 9th, 10th, 11th, 12th, 14th, 16th, 17th, 18th, 23d, 25th, and 27th sections; to the proposed amendments in section 19, line 1; section 20, line 1; section 26, lines 9 and 10; and in the additional clause proposed to the bill—</p> <p>“That they do disagree to the amendments in section 19, line 2; section 20, line 3; section 26, line 2; and that they do agree to the amendments in section 28, with an amendment.”</p> <p>On the 19th, the House of Representatives receded from the amendments which had been disagreed to by the Senate, and acquiesced in the modification proposed by the latter to the 28th section.</p> | <p>H. Journal,<br/>p. 189—<br/>191.</p> <p>Id. p. 192.</p> <p>S. Journal,<br/>p. 132.</p> |
| Bill passed.  |  |   |
| 1st Congress.<br>1st Session.<br><br>SAFE KEEP-<br>ING OF PRI-<br>SONERS.<br><br>Joint reso-<br>lution. | <p>On the 21st of September, 1789, the Senate passed and sent to the House of Representatives for concurrence, the following joint resolution:—</p> <p>“Resolved, by the Senate and House of Representatives of the United States of America, in Congress assembled—That it be recommended to the legislatures of the several states, to pass laws, making it expressly the duty of the keepers of their gaols to receive, and safe keep therein, all prisoners committed under the authority of the United States, until they shall be discharged by due course of the laws thereof; under the like penalties as in the case of prisoners committed under the authority of such states respectively: the United States to pay for the use and keeping of such gaols, at the rate of fifty cents per month for each prisoner that shall, under their authority, be committed thereto, during the time such prisoners shall be therein confined; and also, to support such of said prisoners as shall be committed for offences.”</p> <p>The resolution was agreed to by the House of Representatives.</p>  | <p>1789.</p> <p>S. Journal,<br/>p. 84.</p> <p>H. Journal,<br/>p. 116.</p>                 |

## CHAP. II.

## The Constitution—Laws to carry into Effect, &amp;c.

1789-90.

1st Congress.  
2d Session.

At the next session, on the 5th of April, 1790, the President of the United States transmitted to Congress, the copy of an act of the legislature of New York, communicated to him by the governor of the state, entitled "An act declaring it to be the duty of the sheriffs of the several counties within this state, to receive, and safe keep, such prisoners as shall be committed under the authority of the United States."

H. Journal,  
p. 189.

3d Session.

On the 3d of March, 1791, at the third session of this Congress, the House of Representatives agreed to the following joint resolution:—

1791.  
H. Journal,  
p. 406.

Joint resolution, authorizing marshal to hire places for confinement of prisoners.

"Whereas, Congress did, by a resolution of the twenty-third of September, one thousand seven hundred and eighty-nine, recommend to the several states to pass laws, making it expressly the duty of the keepers of their jails to receive and keep safe therein, all prisoners committed under the authority of the United States:

"In order, therefore, to ensure the administration of justice—

*"Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled—That, in case any state shall not have complied with the said recommendation, the marshal, in such state, under the direction of the judge of the district, be authorized to hire a convenient place, to serve as a temporary jail; and to make the necessary provision for the safe keeping of prisoners committed under the authority of the United States, until permanent provision shall be made, by law, for that purpose; and the said marshal shall be allowed his reasonable expenses incurred for the above purposes, to be paid out of the treasury of the United States."*

And, on the same day, the Senate concurred in this resolution. S. Journal, p. 311.

1st Congress.  
2d Session.

PETITION  
OF JOHN  
TUCKER.

On the 21st of July, 1790, a petition of John Tucker, clerk of the Supreme Court of the United States, was presented to the House of Representatives, praying that the expense of procuring seals for the Supreme and Circuit Courts of the United States, may be defrayed. This petition was ordered to lie on the table; and the subject was not acted on in a distinct form.

1790.  
H. Journal,  
p. 275.

3d Session.

Petition of  
Tucker.

At the next session, on the 12th of February, 1791, a petition from the same individual was presented to the House of Representatives, praying compensation for his past services and expenses, as clerk to the Supreme Court of the United States; which

1791.  
H. Journal,  
376.

1st Congress.  
1st Session. was referred to the committee of the whole house, to which had been committed the bill providing compensations for clerks, marshals, and jurors. This petition was, on the 28th, referred to Messrs. Gerry, Hartley, and Seney. The following report was made on the 3d of March, and agreed to by the House:—

H. Journal,  
p. 395.

Id. p. 402.

Petition  
reopened. “That the petition, being unaccompanied with a stated account of the petitioner’s expenses, and the petitioner being absent, the committee cannot ascertain, with precision, the amount of his claim; and, therefore, recommend that the further consideration of the said petition be deferred until the next session of Congress.”

1st Congress.  
1st Session. At the first session of the second Congress, on the 6th of March, 1792–93, Mr. Tucker again presented his petition to the House of Representatives, and it was referred to Messrs. Sedgwick, Murray, and Baldwin; and Mr. Sedgwick made a report on the 8th, which was ordered to lie on the table. This report was not taken up for consideration until the next session; and, on the 1st of January, 1793, the following resolution was adopted:—

H. Journal,  
p. 529.

Id. p. 660.

1st Session.  
Petition of  
Tucker. “Resolved—That a committee be appointed to prepare and bring in a bill providing for the allowance and payment of — dollars to the said John Tucker, to compensate him for his expenses and services, and for money paid by him as clerk of the Supreme Court of the United States.”

A committee, consisting of Messrs. Sedgwick, Murray, and Baldwin, was then appointed. And on the 2d, Mr. Sedgwick presented a bill to compensate John Tucker, which was read the first and second time, and committed to a committee of the whole house. The bill was considered in committee of the whole, on the 18th of January, when it was reported with an amendment, which was agreed to by the house; and the bill was ordered to be engrossed for the third reading. On the 21st, the bill was recommitted to a committee of the whole house; and was again taken up in committee on the 6th of February, when it was again reported with an amendment, which was agreed to by the house. The bill was then read the third time; and, on the question, that it do pass, it was determined in the negative. So the bill was rejected.

Id. p. 661.

[L.B.213.]

Id. p. 675,  
676.

Id. p. 693.

Bill reject-  
ed.

## CHAP. II.

## The Constitution—Laws to carry into Effect, &amp;c.

1791.

1st Congress.  
2d Session.PETITION  
OF A. C.  
HANSON.

On the 25th of January, 1791, a petition was presented to the House of Representatives from Alexander Contee Hanson, praying compensation for expenses incurred in consequence of an appointment of the late Congress; which was referred to the secretary of the treasury.

H. Journal,  
p. 362.2d Congress.  
1st Session.

THE report of the secretary of the treasury on this petition was received by the house on the 30th of April, 1792, and was then ordered to lie on the table. And, on the 4th of February, 1793, the house proceeded to consider this report, and adopted the following resolution:—

1792.

H. Journal,  
p. 592, 689.

2d Session.

Resolution  
of house.

*Resolved*—That the accounting officers of the treasury be authorized to liquidate and pay the account of Alexander Contee Hanson, for travelling expenses and attendance at New York, as one of the judges appointed by the general government to determine a controversy between the states of South Carolina and Georgia, which was, without his knowledge, compromised; and that the allowance be the same as that provided by law for the travelling expenses and attendance of the present members of Congress.”

It was then ordered that Messrs. Mercer, Page, and Sturges, [H.B.225.] prepare and bring in a bill pursuant to this resolution. On the 5th, Mr. Mercer, from this committee, presented a bill to make compensation to Alexander Contee Hanson; which was then read the first and second time, and committed to a committee of the whole house. The bill was considered in committee of the whole on the 13th of February, when several amendments were reported, which were agreed to by the house; and the question being then on the engrossment of the bill for the third reading, it was decided in the negative.

Id. p. 690.

Id. p. 701.

Bill reject-  
ed.

So the bill was rejected.

1st Congress.  
2d Session.Altering  
times of  
holding U.  
S. courts.  
Pennsylvania.

In reference to the times and places of holding the United States Courts, several acts of Congress were passed during the first term of the administration of General Washington.

1790.

H. Journal,  
p. 206.

On the 30th of April, 1790, leave was given by the House of Representatives to bring in a bill, or bills, to alter one of the places of holding District Courts in Pennsylvania; and Messrs. Boudinot, Scott, and Seney, were appointed for that purpose. It

## CHAP. II.

## The Constitution—Laws to carry into Effect, &amp;c.

1790.

1st Congress.  
1st Session.South Carolina,  
and Georgia.

does not appear that any report was made by this committee.

On the 7th of August, a bill for altering the times of holding the courts in South Carolina and Georgia was read twice, and on the 9th, was passed by the Senate. In the House of Representatives the bill received its first and second reading, was amended in committee, and passed on the same day. And the Senate immediately concurred in the amendment of the House. The amendment was a provision that the District Court of Pennsylvania shall, in future, be held in the city of Philadelphia, only, and an addition to this effect was made to the title.

S. Journal,  
p. 204, 205.H. Journal,  
p. 295.S. Journal,  
p. 206.1st Congress.  
1st Session.Circuit  
Courts, and  
apportion-  
ment of la-  
bour a-  
mong the  
judges.

On the 20th of March, 1792, Mr. Johnston obtained the unanimous consent of the Senate for the introduction of a bill to alter the times of holding certain of the Circuit Courts of the United States; and the bill having been introduced, was then read a first and second time, and referred to Messrs. Johnston, Sherman, and Strong, with an instruction to the committee "to bring in a clause to establish such rotation in the attendance of the judges at the Circuit Courts as may best apportion the burden, and not impede the discharge of the duties of their office." From this committee, Mr. Johnston, on the following day, reported several amendments to the bill, which were agreed to; and, on the 22d, being amended, the bill was read a third time and passed. In the House of Representatives, the bill was read a first time on the 23d of March. It received its second reading, and was committed to a committee of the whole on the 24th. The bill was passed through the committee on the 7th of April, and was reported without amendment. And, on the 9th, being amended in the House, it received its third reading, and was passed. The amendments of the House were concurred in by the Senate on the 10th of April.

1792.

S. Journal,  
p. 412, 413.

Id. p. 414.

H. Journal,  
p. 544.Id. p. 546,  
547.Id. p. 569—  
571.S. Journal,  
p. 423.

2d Session.

Courts in  
Vermont  
and North  
Carolina.

Agreeably to notice given on the preceding day, Mr. Bradley, on the 1st of February, 1793, brought into the Senate a bill, "for altering the time and place of holding the Circuit Court in the district of Vermont;" which was then read a first time. The bill was read a second time, and committed to Messrs. Rutherford, Brown, and Bradley, on the 8th, and on the 23d, sundry amendments were reported by this committee and agreed to. The bill was further amended on the 25th, and was passed with the following title—"An act for altering the places of holding

1793.

S. Journal,  
p. 477.Id. p. 482.  
493.

## CHAP. II.

## The Constitution—Admission of Kentucky.

1793.

2d Congress.  
2d Session.

the Circuit Courts in the district of Vermont and North Carolina, and for other purposes." In the House of Representatives, the bill received its first and second reading, and was committed to a committee of the whole house. On the 25th, several amendments to the bill were made in committee on the 27th, which were agreed to by the house, and the bill, with the amendments, was then recommitted to Messrs. Livermore, Sedgwick, and B. Bourne. Mr. Livermore, on the 28th, reported several amendments, which were agreed to; and the bill was read a third time and passed, with the title so modified as to read—"An act to alter the times and places of holding the Circuit Courts in the Eastern district, and in North Carolina, and for other purposes." The Senate, on the same day, concurred in the amendments.

H. Journal,  
p. 718.

Id. p. 730.

Id. p. 723.

S. Journal,  
p. 499.1st Congress.  
2d Session.

The legislative proceedings concerning the admission of Kentucky and Vermont to be states of the Union, are subjoined to this chapter.

1790.

Admission  
of Ken-  
tucky.

In the message of the President to the two houses, at the opening of the third session of the first Congress, the following sentence occurs:—

"Since your last sessions, I have received communications, by which it appears, that the district of Kentucky, at present a part of Virginia, has concurred in certain propositions contained in a law of that state; in consequence of which, the district is to become a distinct member of the Union, in case the requisite sanction of Congress be added. For this sanction, application is now made," &c.

On the 9th of December, the President transmitted to the two houses the following papers connected with the subject:—

*"Danville, October 4th, 1790.*

"Sir: By order of convention, I now enclose to you a copy of the resolutions of convention, respecting the separation of the district of Kentucky from the state of Virginia, and their address to the President and Congress of the United States.

S. Journal,  
p. 219, 220.H. Journal,  
p. 411, 412.

"I have the honour to be, &c.

"GEORGE MEETER,

*"President of the Convention.*

*"The President of the United States."*

*"District of Kentucky, to wit:*

*"In Convention, July 28th, 1790.*

Resolu-  
tions and  
memorial  
of Kentuc-  
ky.

*"Resolved—That it is expedient for, and the will of, the good people of the district of Kentucky, that the same be erected into an*



1st Congress.  
3d Session.

Resolu-  
tions and  
memorial  
of Kentuc-  
ky.

independent state, on the terms and conditions specified in an act of the Virginia assembly, passed the 18th day of December, 1789, entitled 'An act concerning the erection of the district of Kentucky into an independent state.'

"*Resolved*—That we, the representatives of the people of Kentucky, duly elected in pursuance of an act of the legislature of Virginia, passed the 18th day of December, 1789, entitled 'An act concerning the erection of the district of Kentucky into an independent state,' and now met in convention, having, with full powers, maturely investigated the expediency of the proposed separation on the terms and conditions specified in the above recited act, do, by these presents, and in behalf of the people of Kentucky, accept the terms and conditions, and do declare that, on the 1st day of June, 1792, the said district of Kentucky shall become a state separate from, and independent of, the government of Virginia, and that the said articles become a solemn compact, binding on the said people."

"*To the President, and the Honourable the Congress of the United States of America :—*

"The memorial of the representatives of the people of Kentucky, in convention assembled, pursuant to an act of the legislature of Virginia, passed the 18th of December, 1789, entitled 'An act concerning the erection of the district of Kentucky into an independent state,' *humbly sheweth,—*

"That the inhabitants of this country are warmly devoted to the American Union, and as firmly attached to the present happy establishment of the federal government, as any of the citizens of the United States.

"That, migrating from thence, they have, with great hazard and difficulty, effected their present settlements. The hope of increasing numbers could alone have supported the early adventurers under these arduous exertions. They have the satisfaction to find that hope verified. At this day, the population and strength of this country render it fully able, in the opinion of your memorialists, to form and support an efficient domestic government.

"The inconveniences resulting from its local situation, as a part of Virginia, at first but little felt, have, for some time, been objects of their most serious attention, which occasioned application to the legislature of Virginia for redress.

"Here your memorialists would acknowledge, with peculiar pleasure, the benevolence of Virginia in permitting them to re-

CHAP. II.

The Constitution—Admission of Kentucky.

1790.

1st Congress.  
3d Session.Resolu-  
tions and  
memorial  
of Kentuc-  
ky.

move the evils arising from that source, by assuming upon themselves a state of independence.

“This they have thought expedient to do, on the terms and conditions stipulated in the above recited act, and fixed on the first day of June, 1792, as the period when the said independence shall commence.

“It now remains with the President and the Congress of the United States to sanction these proceedings, by an act of their honourable legislature, prior to the first day of November, 1791, for the purpose of receiving into the federal Union, the people of Kentucky, by the name of the State of Kentucky.

“Should this determination of your memorialists meet the approbation of the general government, they have to call a convention to form a constitution, subsequently to the act of Congress, and prior to the day fixed for the independence of this country.

“When your memorialists reflect on the present comprehensive system of federal government, and when they also recollect the determination of a former Congress on this subject, they are left without a doubt that the object of their wishes will be accomplished.

“And your memorialists, as in duty bound, shall for ever pray.

“GEORGE MEETER, *Pr.*

“*Attest, THOMAS TODD, Clerk of the Convention.*”

The papers were ordered by the House of Representatives to lie on the table. In the Senate, on the 14th of December, Messrs. Schuyler, Monroe, and Johnson, were appointed a committee to consider and report upon the subject. And on the 3d of January, 1791, Mr. Schuyler, from this committee, made the following report:—

Referred to  
committee  
by Senate.S. Journal,  
p. 222.Id. p. 228,  
229.

Report.

“That it appears to the committee, that the General Assembly of the commonwealth of Virginia, did, (upon the application of the inhabitants residing in the district of Kentucky, part of the commonwealth of Virginia, to be separated therefrom, to the intent that the said district might become an independent state, and a member of the union of the United States of America,) by act of the legislature, passed on the eighteenth day of December, 1789, entitled, ‘An act concerning the erection of the district of Kentucky into an independent state;’ assent to the independence of the said district, on certain conditions stipulated and contained in the said act, a printed copy whereof is hereby submitted.

1791.

“That it appears from the papers referred to the consideration

at Congress.  
d Session.

Report.

of the committee, that a convention of deputies from the several counties in the said district was held in conformity to the said act, which, in the name and on behalf of the people whom they represented, declared it as the will of the said people to be erected into an independent state, on the terms and conditions specified in the said act of the commonwealth of Virginia.

“That by the memorial of the said convention to Congress, bearing date the 28th of July, 1790, praying to be received into the federal Union, by the name of the state of Kentucky, it is declared that the people of the said district ‘are as warmly devoted to the American Union, and as firmly attached to the present happy establishment of the federal government, as any of the citizens of the United States.’

“That from such information as the committee have been able to procure, the inhabitants resident in the said district are sufficiently numerous for all the purposes of an independent state.

“That from these facts, the committee have concluded that it would be proper for Congress to consent that the said district should become an independent state, and admitted as a member of the United States of America, and that a bill should be prepared for that purpose.”

bill passed  
y the Se-  
ate,

This report was accepted, and the committee were ordered to prepare a bill accordingly. A bill was reported and received its first and second reading on the 4th of January. The bill was considered on the 5th, the 7th, and the 12th. It was then passed, with the following title: “An act declaring the consent of Congress that a new state be formed within the jurisdiction of the commonwealth of Virginia, and admitted into the Union, by the name of the state of Kentucky.” On the 12th and 13th, the bill was read a first and second time, and committed to a committee of the whole house, in the House of Representatives. On the 28th of January, the bill was considered in committee of the whole, reported without amendment, and passed.

admission  
f Ver-  
ont.

Concerning the admission of the state of Vermont, the following documents appear on the Journals of Congress.

On the 9th of February, 1791, the following message was transmitted by the President of the United States to the two houses:—

Message.

“United States, February 9th, 1791. S. Journal, p. 241—246.  
“Gentlemen of the Senate, and House of Representatives:—  
“I have received from the governor of Vermont, authentic documents expressing the consent of the legislatures of New H. Journal, p. 373. 412—418.

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York, and of the territory of Vermont, that the said territory shall be admitted to be a distinct member of our Union; and a memorial of Nathaniel Chapman and Lewis R. Morris, commissioners from the said territory, praying the consent of Congress to that admission, by the name and style of the State of Vermont; copies of which I now lay before Congress, with whom the Constitution has vested the object of these proceedings.

“G. WASHINGTON.

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York.

“The people of the state of New York, by the grace of God, free and independent:

*“To all to whom these presents shall come, greeting:*

“Know ye, that we, having inspected the records remaining in our secretary’s office, do find there a certain original act, in the words and figures following; to wit: “An act appointing commissioners with power to declare the consent of the legislature of this state, that a certain territory, within the jurisdiction thereof, should be formed or erected into a new state. ‘*Be it enacted, by the people of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same*—That Robert Yates, Robert R. Livingston, John Lansing, jr., Gulian Verplanck, Simeon De Witt, Egbert Benson, Richard Sill, and Melancton Smith, shall be, and hereby are, appointed commissioners, with full power to them, or any four or more of them, in their discretion, as they shall judge the peace and interest of the United States in general, and of this state in particular, to require the same, and on such terms and conditions, and in such manner and form as they shall judge necessary and proper, to declare the consent of the legislature of this state, that such district or territory within the jurisdiction, and in the north-eastern and northern parts thereof, as the said commissioners shall judge most convenient, shall be formed and erected into a new state; and with further full power to treat, conclude, and agree, with any person or persons, or any assemblies or bodies of people, touching the premises, or touching the ceding or relinquishing the jurisdiction of this state over such district or territory, or touching the securing or confirming of rights, titles, or possessions, of land within such district or territory, held or claimed under grants from the state of New Hampshire, while a colony, or under grants, sales, or locations, made by the authority of the government or jurisdiction now existing and exercised in the north-eastern parts of this state, under the name

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or style of the State of Vermont, against persons claiming the same lands under grants from this state, while a colony, or since the independence thereof: and every act of four or more of the commissioners hereby appointed, in the execution of the powers aforesaid, shall be as effectual to every purpose, as if the same were an immediate act of the legislature of this state: *Provided* such grants, sales, or locations, by or under Vermont, do not extend to the westward of the towns granted, located, or occupied, under the late colony of New Hampshire, which lay in that part of the country aforesaid, between the north boundary of the commonwealth of Massachusetts, continued from the north-west corner thereof, towards Hudson's river, and a parallel line extended eastward from the point of land where Fort Edward formerly stood, until it meets with the west bounds of any of the said granted, located, or occupied towns. *And be it further enacted, by the authority aforesaid*—That, whatever stipulations shall be made, by the commissioners appointed by this act, with any person or persons, or any assemblies or bodies of people, touching the premises, or touching the ceding or relinquishing the jurisdiction of this state over such district or territory, or touching the securing of rights, titles, or possessions, of lands within such district, for a compensation for extinguishing the claims to lands within such districts, as derived under the late colony of New York, shall be for the use of such claimants, although in such stipulations such compensation should be declared to be for the use of this state, or for the people thereof: and that nothing in this act contained shall be intended or construed to give any such claimant any right to any further compensation whatsoever from this state, other than such compensation which may be so stipulated as aforesaid. *And be it further enacted by the authority aforesaid*—That the act, entitled 'An act appointing commissioners, with power to declare the consent of the legislature of the state of New York, that a certain territory within the jurisdiction thereof, should be formed or erected into a new State,' passed the sixteenth day of July, in the year one thousand seven hundred and eighty-nine, shall be, and hereby is, repealed."

"State of New York,

"In Assembly, February 20, 1790.

"The bill having been read the third time, *Resolved*—That the bill do pass.

"By order of the Assembly.

"GULIAN VERPLANCK, *Speaker*."

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"The bill having been read the third time, *Resolved*—That the bill do pass.

"By order of the Senate.

"ISAAC ROOSEVELT,

*"President pro hac vice."*

*"By Council of Revision, 6th of March, 1790.*

"*Resolved*—That it does not appear improper to the council, that this bill, entitled 'An act appointing commissioners with power to declare the consent of the legislature of this state, that a certain territory within the jurisdiction thereof, should be formed or erected into a new state,' should become a law of the state.

"GEO. CLINTON.

"All which we have exemplified by these presents. In testimony whereof, we have caused these our letters to be made patent, and the great seal of our said state to be hereunto affixed. Witness our trusty and well beloved George Clinton, esq., governor of our said state, general and commander-in-chief of all the militia, and admiral of the navy of the same, at our city of New York, the first day of February, 1791, and in the fifteenth year of our independence.

"GEO. CLINTON.

*Passed the Secretary's office, 2d Feb. 1791.*

ROBERT HARPER, *Dep. Secretary.*"

*"To all to whom these presents shall come:—*

*"Be it known*—That Robert Yates, John Lansing, jr., Gulian Verplanck, Simeon De Witt, Egbert Benson, and Melancton Smith, commissioners, appointed by an act of the legislature of the state of New York, entitled 'An act appointing commissioners, with power to declare the consent of the legislature of this state, that a certain territory within the jurisdiction thereof, should be formed into a new state,' passed the sixth day of March last, do hereby, by virtue of the powers to them granted for the purpose, declare the consent of the legislature of the state of New York, that the community now actually exercising independent jurisdiction as the state of Vermont, be admitted into the Union of the United States of America; and that immediately from such admission, all claim of jurisdiction, of the state of New York, within the state of Vermont, shall cease; and thenceforth, the perpetual boundary line, between the state of New York

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and the state of Vermont, shall be as follows; namely: Beginning at the north-west corner of the state of Massachusetts; thence, westward, along the south boundary of the township of Pownal, to the south-west corner thereof; thence, northerly, along the western boundaries of the townships of Pownal, Bennington, Shaftsbury, Arlington, Sandgate, Rupert, Pawlett, Wells, and Poultney, as the said townships are now held or possessed, to the river commonly called Poultney river; thence, down the same, through the middle of the deepest channel thereof, to East Bay; thence through the middle of the deepest channel of East Bay, and the waters thereof, to where the same communicate with Lake Champlain; thence, through the middle of the deepest channel of Lake Champlain, to the eastward of the islands called the Four Brothers, and the westward of the islands called Grand Isle and Long Isle, or the Two Heroes, and to the westward of the Isle La Motte, to the forty-fifth degree of north latitude. And the said commissioners do hereby declare the will of the legislature of the state of New York, that, if the legislature of the state of Vermont shall, on or before the first day of January, in the year one thousand seven hundred and ninety-two, declare, that the state of Vermont shall, on or before the first day of June, in the year one thousand seven hundred and ninety-four, pay, to the state of New York, the sum of thirty thousand dollars, that immediately from such declaration by the legislature of the state of Vermont, all rights and titles to lands within the state of Vermont, under grants from the government of the late colony of New York, or from the state of New York, except as hereinafter excepted, shall cease; or, if the legislature of the state of Vermont shall not elect to make such declaration, then, that, except in cases where the grants from New York were intended as confirmations of grants from New Hampshire, all rights and titles under grants from the government of the late colony of New York, or from the state of New York, to lands within the state of Vermont, which may have been granted by the government of the colony of New Hampshire, shall cease, and the boundaries, according to which such grants from the government of the late colony of New Hampshire have been held or possessed, shall be deemed to be the true boundaries. And the said commissioners do hereby further declare the will of the legislature of the state of New York, that all rights and titles to lands within the state of Vermont, under grants from the government of the late colony of New York, or from the state of New York, and not granted by the government of the late colony of New Hampshire, shall be suspended until the expiration of three years after the governor of the

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state of Vermont, for the time being, shall have been notified that a commissioner, to be appointed by the state of New York, after the first day of January, in the year one thousand seven hundred and ninety-two, and to reside and hold a public office at the city of Albany, shall have entered upon the execution of his office. And if, within one year after such notification, there shall be delivered to such commissioner, either the original or a certified abstract, containing the date, the names of the grantees, and the boundaries of a grant from New York; and if, thereupon, at any time before the expiration of the said term of three years above mentioned, there shall be paid to such commissioner at the rate of ten cents per acre for the whole, or any parcel of the lands contained in such grant from New York, all right and title under such grant shall, in respect to the lands for which payment shall so be made, cease; and a receipt, under the hand and seal of such commissioner, specifying the land for which payment shall be made, shall be evidence of the payment; and, in default of delivering the original, or such certified abstract of the grant to the commissioner, within the said term of one year, for that purpose above limited, all right and title under the grant, in respect of which there shall be such default of delivery, shall cease; but, where the original or certified abstract of the grant shall be duly delivered to the commissioner; and if, thereupon, payment shall not be duly made to the commissioner, the right and title under the grant, in respect to the lands for which payment shall not be made, shall remain; and suits for the recovery of such lands may be prosecuted in the ordinary course of law: Provided the suit be commenced within ten years after the state of Vermont shall have been admitted into the Union of the United States; otherwise the right and title, under the grant from New York, shall in such case also cease. In testimony whereof, the said commissioners have hereunto set their hands, and affixed their seals, the seventh day of October, in the fifteenth year of the independence of the United States of America, 1790.

*Witnesses.*

RICHARD VARICK,  
ALEXANDER HAMILTON,  
SAMUEL JONES,  
ROBERT BENSON,

EGBERT BENSON,  
GULIAN VERPLANCK,  
ROBERT YATES,  
MELANCTON SMITH,  
SIMEON DE WITT,  
JOHN LANSING, jr.

*"An Act directing the payment of thirty thousand dollars to the State of New York, and declaring what shall be the boundary line be-*



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*tween the State of Vermont and State of New York, and declaring certain grants therein mentioned, extinguished.*

“Whereas Robert Yates, John Lansing, junior, Gulian Verplanck, Simeon De Witt, Egbert Benson, and Melancton Smith, esquires, commissioners appointed by an act of the legislature of the state of New York, entitled, ‘An act appointing commissioners with power to declare the consent of the legislature of the state of New York that a certain territory within the jurisdiction thereof, should be formed into a new state;’ passed the fifth day of March, in the year of our Lord one thousand seven hundred and ninety, did, by their certain acts, on the seventh day of October instant, at New York, by virtue of the powers to them granted for that purpose, among other things, declare the consent of the legislature of the state of New York, that the state of Vermont be admitted into the Union of the United States of America; and that immediately from such admission, all claims of jurisdiction of the state of New York, within the state of Vermont, should cease, and thenceforth the perpetual boundary line between the state of New York and the state of Vermont should be as follows; namely: Beginning at the north-west corner of the state of Massachusetts; thence westward along the south boundary of Pownal, to the north-west corner thereof; thence, northerly, along the western boundaries of the townships of Pownal, Bennington, Shaftsbury, Arlington, Sandgate, Rupert, Pawlett, Wells, and Poultney, as the said townships are now held or possessed, to the river commonly called Poultney river; thence down the same, through the middle of the deepest channel thereof, to East Bay; thence through the middle of the deepest channel of East Bay and the waters thereof, to where the same communicate with Lake Champlain; thence through the middle of the deepest channel of Lake Champlain, to the eastward of the islands called the Four Brothers, and the westward of the islands called the Grand Isle and Long Isle, or the Two Heroes, and to the westward of the Isle La Motte, to the forty-fifth degree of north latitude. And the said commissioners, by virtue of the powers to them granted, did declare the will of the legislature of the state of New York, that if the legislature of the state of Vermont should, on or before the first day of January, one thousand seven hundred and ninety-two, declare, that, on or before the first day of June, one thousand seven hundred and ninety-four, the said state of Vermont would pay to the state of New York the sum of thirty thousand dollars, that,

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immediately from such declaration by the legislature of the state of Vermont, all rights and titles to lands within the state of Vermont, under grants from the government of the late colony of New York, or from the state of New York, except as is therein excepted, should cease: wherefore,

*“ It is hereby enacted, by the General Assembly of the State of Vermont—*That the state of Vermont shall, on or before the first day of June, one thousand seven hundred and ninety-four, pay the state of New York thirty thousand dollars; and the treasurer of this state, for and in behalf of this state, and for the purposes mentioned in the act of the commissioners aforesaid, shall pay to the state of New York, the sum of thirty thousand dollars, on or before the first day of June, one thousand seven hundred and ninety-four. *And it is hereby further enacted—*That the said line, described in the said act of the said commissioners, shall, henceforth, be the perpetual boundary line between the state of Vermont and the state of New York; and all grants, charters, or patents of land, lying within the state of Vermont, made by or under the government of the late colony of New York, except such grants, charters, or patents, as were made in confirmation of grants, charters, or patents, made by or under the government of the late province or colony of New Hampshire, are hereby declared null and void, and incapable of being given in evidence in any court of law within this state.”

*“ State of Vermont, Secretary’s Office,*

*“ Bennington, January 21, 1791.*

*“ The preceding is a true copy of an act, passed by the legislature of the state of Vermont, the twenty-eighth day of October, in the year of our Lord one thousand seven hundred and ninety.*

*“ Attest,      ROSWELL HOPKINS, Secretary of State.”*

*“ An act to authorize the people of this State to meet in Convention, to deliberate upon, and agree to, the Constitution of the United States.*

*“ Whereas, in the opinion of this legislature, the future interest and welfare of this state render it necessary that the Constitution of the United States of America, as agreed to by the convention at Philadelphia, on the 17th day of September, in the year of our Lord one thousand seven hundred and eighty-seven, with the several amendments and alterations, as the same has been since established by the United States, should be laid before the people of this state, for their approbation:*

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mont.

*"It is hereby enacted, by the General Assembly of the State of Vermont—*That the first constable in each town shall warn the inhabitants, who by law are entitled to vote for representatives in General Assembly, in the same manner as they warn freemen's meetings to meet in their respective towns, on the first Tuesday of December next, at 10 o'clock in the forenoon, at the several places fixed by law for holding the annual elections; and, when so met, they shall proceed, in the same manner as in the election of representatives, to choose some suitable person from each town, to serve as a delegate in a state convention, for the purpose of deliberating upon, and agreeing to the Constitution of the United States, as now established. And the said constable shall certify to the state convention the person so chosen in manner aforesaid; and,

*"It is hereby enacted, by the authority aforesaid—*That the persons so elected to serve in state convention, as aforesaid, do assemble and meet together on the first Thursday of January next, at Bennington, in the county of Bennington, then and there to deliberate upon the aforesaid Constitution of the United States, and, if approved of by them, finally to assent to, and ratify the same, in behalf and on the part of the people of this state, and make report thereof to the governor of this state for the time being, to be by him communicated to the President of the United States, and the legislature of this state."

*"State of Vermont, Secretary's Office,*

*"Bennington, January 21, 1791.*

"The preceding is a true copy of an act passed by the legislature of the state of Vermont, the twenty-seventh day of October, in the year of our Lord one thousand seven hundred and ninety.

*"Attest,*

ROSWELL HOPKINS, *Secretary of State.*"

*"In Convention of the Delegates of the People of the State of Vermont:*

"Whereas, by an act of the commissioners of the state of New York, done at New York, the seventh day of October, in the fifteenth year of the independence of the United States of America, and in the year of our Lord one thousand seven hundred and ninety, every impediment, as well on the part of the state of New York as on the part of the state of Vermont, to the admission of the state of Vermont into the Union of the United States of America, is removed, in full faith and assurance that the same will stand approved and ratified by Congress:

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"This convention having impartially deliberated upon the Constitution of the United States of America, as now established, submitted to us by an act of the General Assembly of the state of Vermont, passed October twenty-seventh, one thousand seven hundred and ninety, do, in virtue of the power and authority to us given for that purpose, fully and entirely approve of, assent to, and ratify, the said Constitution; and declare that, immediately from and after this state shall be admitted by the Congress into the Union, and to a full participation of the benefits of the government now enjoyed by the states in the Union, the same shall be binding on us, and the people of the state of Vermont, for ever.

"Done at Bennington, in the county of Bennington, the tenth day of January, in the fifteenth year of the independence of the United States of America, one thousand seven hundred and ninety-one. In testimony whereof, we have hereunto subscribed our names.

"THOMAS CHITTENDEN, *President.*

"Signed by one hundred and five members: dissented, four.

"Attest,            ROSWELL HOPKINS, *Secretary of Convention.*"

"State of Vermont, Secretary's Office,

"Bennington, January 21, 1791.

"The preceding is a true copy of the original act of the convention of the state of Vermont, done at Bennington, the tenth day of January, one thousand seven hundred and ninety-one.

"Attest,            ROSWELL HOPKINS, *Secretary of State.*"

"By his Excellency, THOMAS CHITTENDEN, Esq., *Captain General, Governor, and Commander-in-chief, in and over the State of Vermont.*

"This certifies that Roswell Hopkins, Esq., is secretary to the state of Vermont, and that all due faith and credence ought to be given to attestations by him officially made.

"In testimony whereof, we have caused the seal of this state to be affixed, in council, this twenty-second day of January, one thousand seven hundred and ninety-one.

"THOMAS CHITTENDEN.

"By his Excellency's command.

"JOSEPH FAY, *Secretary.*"

"Bennington, January 22, 1791.

"Sir: I have the honour to transmit to you copies of two acts of the legislature of this state: the one directing the payment of

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thirty thousand dollars to the state of New York, and declaring the boundary line between the state of Vermont and the state of New York, and extinguishing certain grants therein mentioned; the other, an act authorizing the people of this state to meet in convention, to deliberate upon and agree to the Constitution of the United States, and also a copy of the proceeding of the convention.

"This will be delivered by the Honourable Nathaniel Chipman and Lewis R. Morris, Esquires, who are appointed commissioners to apply to the Congress of the United States for the admission of this state into the Union, whom I beg to recommend to your favourable notice.

"I have the honour to be, &c.

"THOMAS CHITTENDEN.

"*The President of the United States.*"

"By his Excellency THOMAS CHITTENDEN, Esq., Captain General, Governor, and Commander-in-chief in and over the State of Vermont.

"To the Honourable NATHANIEL CHIPMAN, Esq., and LEWIS R. MORRIS, Esq.; greeting:

"You being elected by the legislature of this state commissioners to the Congress of the United States, to apply for the admission of the state of Vermont into the Union, are hereby authorized and empowered to proceed to the Congress of the United States, now in session at the city of Philadelphia, and negotiate on behalf of this state, agreeably to your said appointment.

"In testimony whereof, we have caused the seal of this state to be affixed, in council, at Bennington, this twenty-fourth day of January, one thousand seven hundred and ninety-one, and in the fifteenth year of the independence of this state.

"THOMAS CHITTENDEN.

"By his Excellency's command,

"JOSEPH FAY, Secretary."

"*The President and Congress of the United States of America.*

"Nathaniel Chipman and Lewis R. Morris, commissioners, authorized and appointed by the state of Vermont, most respectfully represent, that the citizens of that state, having shared in common with those of the other states, in the hazards and burdens of establishing the American revolution, have long anxiously desired to be united with them under the same general government:

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They have seen, with great satisfaction, a new and more perfect union of the people of America, and the unanimity with which they have recently approved the national Constitution, manifests their attachment to it, and the zeal with which they desire to participate its benefits.

“Questions of interfering jurisdiction between them and the state of New York, have heretofore delayed this application: These points being now happily adjusted, the memorialists, on behalf of their constituents, most respectfully petition, that the Congress will consent to the admission of the state of Vermont, by that name and style, as a new and entire member of the United States.

“They have the honour to accompany this memorial with such papers and documents as have relation to the same; and, with the highest deference for the wisdom of Congress, the memorialists repeat their solicitations, that during their present session, they would be pleased to adopt such measures as will include within the national government a people zealous to support and defend it.

“NATHANIEL CHIPMAN.

“LEWIS R. MORRIS.

“*Philadelphia, February 7, 1791.*”

Committee  
report bill.

In the Senate, this message and the accompanying documents were referred to Messrs. King, Monroe, Ellsworth, Langdon, and Hawkins, to consider and report what is proper to be done thereon. And in the House of Representatives, the subject was referred to Messrs. Lawrance, Boudinot, and Carroll. On the 10th of February, Mr. King reported to the Senate a bill as follows:—

“*An Act for the Admission of the State of Vermont into this Union.*

“Sect. 1. The state of Vermont having petitioned the Congress to be admitted a member of the United States—*Be it enacted, by the Senate and House of Representatives of the United States of America, in Congress assembled, and it is hereby enacted and declared—* That, on the fourth day of March, one thousand seven hundred and ninety-one, the said state, by the name and style of the ‘State of Vermont,’ shall be received and admitted into this Union, as a new and entire member of the United States of America.

“Sect. 2. *And be it further enacted—* That, until the representatives in Congress, shall be appointed, according to an actual enumeration of the inhabitants of the United States, the said state shall be entitled to choose two representatives.”

S. Journal,  
P. 246.  
Id. p. 247.

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Senate and  
House.Bill regul-  
ating  
number of  
representa-  
tives.Bill to give  
effect to  
laws of U.  
S. in Ver-  
mont.

The bill received its first reading; and, on the next day, it was read a second time, the second section having been expunged. S. Journal, p. 262.

The bill, as thus amended, passed the Senate on the 12th. On the 12th and 14th, the bill went through its various stages, and was passed in the House of Representatives. H. Journal, p. 377, 378.

On the 11th of February, the Senate agreed, by unanimous consent, to dispense with the rule, so far as to permit Mr. King, at this time, to bring in a bill regulating the number of representatives to be chosen by the states of Kentucky and Vermont. The bill was then read a first time, as follows:—

*“An Act regulating the number of Representatives to be chosen by the States of Kentucky and Vermont.*

*“Be it enacted, by the Senate and House of Representatives of the United States of America, in Congress assembled—That, until the representatives in Congress shall be apportioned, according to an actual enumeration of the inhabitants of the United States, the states of Kentucky and Vermont shall each be entitled to choose two representatives.”* S. Journal, p. 262.

This bill received its first and second readings on the day when it was introduced, and was read a third time and passed, on the following day. On the 12th, it was read twice in the House of Representatives; and was considered in committee of the whole, and passed, on the 19th. H. Journal, p. 377, 384.

On the 14th of February, the house appointed Messrs. Sedgwick, Benson, and Sturges, to be a committee to prepare and bring in a bill, or bills, to give effect to the laws of the United States, within the state of Vermont. The bill was introduced by Mr. Sedgwick on the 17th, and was then read a first and second time, and committed to a committee of the whole house. On the 19th, the bill was considered and amended in committee of the whole, and was passed on the 21st. The bill, as it passed the House, was as follows:— Id. p. 378.  
Id. p. 381.  
Id. p. 383.  
Id. p. 385.

*“An Act giving effect to the Laws of the United States, within the State of Vermont.*

*“Section 1. Be it enacted, by the Senate and House of Representatives of the United States of America, in Congress assembled—That from and after the third day of March next, all the laws of the United States which are not locally inapplicable, ought to have, and shall have, the same force and effect within the state of Vermont, as elsewhere within the United States.*

*“Sect. 2. And, to the end that the act, entitled ‘An act to es-*

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Bill to give  
effect to  
laws of U.  
S. in Ver-  
mont.

tablish the Judicial Courts of the United States,' may be duly administered within the said state of Vermont—

*"Be it further enacted—*That the said state shall be one district, to be denominated Vermont district; and there shall be a District Court therein, to consist of one judge, who shall reside within the said district, and be called a district judge; and shall hold, annually, four sessions: the first to commence on the first Monday of May next, and the three other sessions, progressively, on the like Monday of every third calendar month afterwards. The said District Court shall be held, alternately, at the towns of Rutland and Windsor, beginning at the first.

*"Sect. 3. And be it further enacted—*That the said district shall be, and the same hereby is, annexed to the Eastern circuit; and there shall be held, annually, in the said district, one Circuit Court: the first session shall commence on the seventeenth day of June next, and the subsequent sessions on the like day of June, afterwards; except when any of the said days shall happen on a Sunday, and then the session shall commence on the day following; and the said sessions of the said Circuit Court, shall be held at the town of Bennington.

*"Sect. 4. And be it further enacted—*That there shall be allowed to the judge of the said District Court, the yearly compensation of eight hundred dollars, to commence from the time of his appointment, and to be paid quarter yearly, at the treasury of the United States.

*"Sect. 5. And be it further enacted—*That all the regulations, provisions, directions, authorities, penalties, and other matters whatsoever, (except as hereinafterwards is expressly provided,) contained and expressed in and by the act, entitled 'An act providing for the enumeration of the inhabitants of the United States,' shall have the same force and effect within the said state of Vermont, as if the same were, in relation thereto, repeated and re-enacted in and by this present act.

*"Sect. 6. And be it further enacted—*That the enumeration of the inhabitants of the said state shall commence on the first Monday of April next, and shall close within five calendar months thereafter.

*"Sect. 7. And be it further enacted—*That the marshal of the district of Vermont shall receive, in full compensation for all the duties and services confided to, and enjoined upon him, in and by this act, in taking the enumeration aforesaid, two hundred dollars.

*"Sect. 8. And that the act, entitled 'An act to provide more effectually for the collection of the duties imposed by law on*



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goods, wares, and merchandise, imported into the United States, and on the tonnage of ships and vessels,' may be carried into effect in the said state of Vermont.

"*Be it further enacted*—That, for the due collection of the said duties, there shall be, in the said state of Vermont, one district; and a collector shall be appointed, to reside at Allsburgh, on Lake Champlain, which shall be the only port of entry or delivery within the said district, of any goods, wares, or merchandise, not the growth or manufacture of the United States."

amended  
passed.

This bill received its first reading, in the Senate, on the 21st of February. On the 22d, it was read a second time, and on the day following it passed the Senate, with the following amendment. At the end of the bill, add,

S. Journal,  
p. 277—  
279.

"*Provided, nevertheless*—That the exception contained in the sixty-ninth section of the act last above mentioned, relative to the district of Louisville, shall be, and is hereby, extended to the said port of Allsburgh."

The House of Representatives, on the 24th, concurred in this amendment.

H. Journal,  
p. 389.

1st Congress.  
1st Session.

## CHAPTER III.

Tariff Resolutions—Debate concerning—Bills concerning Imposts and Tonnage Duties—Spirits, Wines, and Teas—Remissions of Duties and Penalties—Provisions for public Debt and Defence of the Frontier—Excise Arrangements—Compensations to Officers—Post Office—Bills to establish and regulate Post Office—To establish Post Offices and Post Roads—Postage on Newspapers—Public Lands—Bills to establish Land Offices—Making Grants of Lands, &c.—North Carolina Cession—Virginia Reservation, &c.

Imposts  
and ton-  
nage.

THE creation and execution of a sufficient scheme of national revenue, as it was a main object of the Constitution, invoked the earliest attention of Congress; and the numerous acts which were passed during the first term of General Washington's administration, attest the difficulties which attended the arrangement of such a system as should satisfy the wants of the country, and form the basis of future legislation. H. Journal  
p. 11.

As soon as the organization of the two houses was completed, this important subject was submitted to the consideration of the House of Representatives.

On the 8th of April, 1789, the House resolved itself into a committee of the whole, on the state of the Union, Mr. Page of Virginia in the chair. Mr. Madison then rose and addressed the committee. It is not within the design of this history to republish the speeches of members of Congress, but as the remarks of Mr. Madison, on introducing this topic, are brief, in some measure historical, and must be read with interest, they are subjoined. Lloyd's  
Con. Reg.,  
vol. i. p.  
12—14.

Mr. Madison's  
opening re-  
marks.

"I take the liberty, Mr. Chairman, at this early stage of the business, to introduce to the committee, a subject, which appears to me to be of the greatest magnitude; a subject, sir, that requires our first attention, and our united exertions.

"No gentleman here can be unacquainted with the numerous claims upon our justice; nor with the impotency which prevented the late Congress of the United States from carrying into effect the dictates of gratitude and policy.

"The Union, by the establishment of a more effective government, having recovered from the state of imbecility, that heretofore prevented a performance of its duty, ought, in its first act,

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Mr. Madison's remarks.

to revive those principles of honour and honesty, that have too long lain dormant.

"The deficiency in our treasury has been too notorious to make it necessary for me to animadvert upon that subject. Let us content ourselves with endeavouring to remedy the evil. To do this, a national revenue must be obtained; but the system must be such a one, that, while it secures the object of revenue, it shall not be oppressive to our constituents. Happy it is for us, that such a system is within our power; for I apprehend that both these objects may be obtained from an impost on articles imported into the United States.

"In pursuing this measure, I know that two points occur for our consideration. The first, respects the general regulation of commerce, which, in my opinion, ought to be as free as the policy of nations will admit. The second, relates to revenue alone, and this is the point I mean more particularly to bring into the view of the committee.

"Not being at present possessed of sufficient materials for fully elucidating these points, and our situation admitting of no delay, I shall propose such articles and regulations only, as are likely to occasion the least difficulty.

"The propositions made on this subject by Congress, in 1783, having received, generally, the approbation of the several states of the Union, in some form or other, seem well calculated to become the basis of the temporary system, which I wish the committee to adopt. I am well aware that the changes, which have taken place in many of the states, and in our public circumstances, since that period, will require, in some degree, a deviation from the scale of duties then affixed: nevertheless, for the sake of that expedition, which is necessary in order to embrace the spring importations, I should recommend a *general* adherence to the plan.

"This, sir, with the addition of a clause or two on the subject of tonnage, I will now read, and, with leave, submit it to the committee; hoping it may meet their approbation, as an expedient rendered eligible by the urgent occasion there is for the speedy supplies to the federal treasury, and a speedy rescue of our trade from its present anarchy.

Mr. Madison's remarks.

"*Resolved*—As the opinion of this committee, that the following duties ought to be levied on goods, wares, and merchandise imported into the United States; namely:—

"On rum, per gallon, ——— of a dollar.

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1st Session.

Mr. Madison's resolutions.

"On all other spiritous liquors.

"On molasses.

"On Madeira wine.

"On all other wines.

"On common Bohea teas, per lb.

"On all other teas.

"On pepper.

"On brown sugars.

"On loaf sugars.

"On all other sugars.

"On cocoa and coffee.

"On all other articles, ——— per cent. on their value at the time and place of importation.

"That there ought, moreover, to be levied on all vessels in which goods, wares, or merchandises, shall be imported, the duties following; namely: On all vessels built within the United States, and belonging wholly to citizens thereof, at the rate of ——— per ton.

"On all vessels belonging wholly to the subjects of powers with whom the United States have formed treaties, or partly to the subjects of such powers, and partly to citizens of the said states, at the rate of ———.

"On all vessels belonging wholly, or in part, to the subjects of other powers, at the rate of ———."

It was then moved, by Mr. Boudinot, who expressed his approbation of the simplicity and sufficiency of the plan, that the blanks be filled up in the manner they were recommended to be charged by Congress in 1783. Mr. White, however, desiring more time for reflection, moved the rising of the committee; and the motion being seconded by Mr. Madison, and advocated by Mr. Parker, the committee rose, and reported that they had the state of the Union under consideration, but had come to no resolution thereupon.

H. Journal,  
p. 12.

The house being again in committee of the whole on the state of the Union, on the 9th considerable discussion took place. Mr. Lawrance was in favour of an application of the *ad valorem* principle to all articles, as a temporary measure, because an attempt to specify articles would lead to perplexity and delay. Mr. Fitzsimons replied, and defended the system of specific duties. He wished for more than a temporary scheme, and desired one "some way adequate to our present situation; as it respects our agriculture, our manufactures, and our commerce."

Lloyd's  
Con. Reg.,  
vol. i. p.  
15—29.

in Congress.  
in Session.

He desired to add to the enumeration of articles, "some calculated to encourage the productions of our country, and protect our infant manufactures, beside others tending to operate as sumptuary restrictions upon articles which are often termed those of luxury." He then moved the following, as an amendment to the original resolution:—

Amend-  
ment of Mr.  
Simmons  
of Pennsyl-  
ania.

"*Resolved*—As the opinion of this committee, that the following duties ought to be laid on goods, wares, and merchandise imported into the United States, to wit:—

"Upon every gallon of beer, ale, or porter, ——— parts of a dollar.

"Upon every barrel of beef.

"Upon every barrel of pork.

"And so in proportion for any greater or lesser quantity.

"Upon every lb. of butter.

"Upon all candles of tallow, per lb.

"Upon all candles of wax or spermaceti, per lb.

"Upon cheese, per lb.

"Upon soap, per lb.

"Upon cider, per gallon.

"Upon boots, per pair.

"Upon all steel, unwrought, for every 112 lbs.

"Upon cables, for every cwt.

"Upon tarred cordage, for every 112 lbs.

"Upon untarred do., for every 112 lbs.

"Upon twine or pack-thread, for every 112 lbs.

"Upon malt, for every bushel.

"Upon all nails, spikes, tacks, or brads, for every lb.

"Upon salt, per bushel.

"Upon manufactured tobacco, per lb.

"Upon snuff, per lb.

"Upon all blank books.

"Upon all writing, printing, and wrapping-paper, and upon all paste-board.

"Upon all cabinet ware.

"Upon all buttons of metal.

"Upon all saddles.

"Upon all gloves, of leather.

"Upon all hats, of beaver, fur, wool, or mixture of either.

"Upon all millinery.

"Upon all castings of iron, and upon slit or rolled iron.

"Upon all leather, tanned or tawed, and upon all manufac-

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1st Session.

Mr. Fitz-  
simons' a-  
mendment.

tures of leather, (except such as are otherwise rated by this act.)

" Upon all shoes, slippers, and golo-shoes.

*" For every hundred dollars' value.*

" Upon every coach, chariot, and other four-wheel carriages.

" Upon every chaise, solo, or other two-wheel carriage, (*for every hundred dollars' value thereof, and so in proportion for any part thereof.*)

" Upon every lb. of nutmegs.

" Upon every lb. of cinnamon.

" Upon every lb. of cloves.

" Upon raisins, for every 112 lbs.

" Upon figs, for every 112 lbs.

" Upon currants, for every 112 lbs.

" Upon almonds, for every 112 lbs."

Mr. Schureman, of New Jersey, seconded this motion to amend. The proposition to amend was opposed by Mr. White, of Virginia, as involving too much detail, and likely to consume too much time. Mr. Tucker, of South Carolina, thought it would be more prudent, for the present, to look to a temporary provision. A permanent system, he admitted, would be preferable, but until the house should be fuller, and the representation of the states more equal, this would be impracticable. There was no member from the south of Virginia present except himself. The safer plan, in his opinion, was, to confine the rate of duties to the scale adopted by the Congress of 1783, which was *five per cent.* on the value of all goods imported, and an additional duty on a few enumerated articles. The article of tonnage he wished to be postponed, because it bore harder upon some states than others, some having sufficient vessels of their own for their own trade, while others were compelled to rely entirely on foreign vessels. He wished to confine the question to the original resolution. If the other were adopted, he should ask for a division of the question, and if he failed, he should be compelled to vote against the measure, although he had no objection to the limited and temporary provision. Mr. Hartley, of Pennsylvania, advocated the amendment; and suggested, that, as the clause respecting tonnage would not, probably, be determined for several days, the southern members may, by that time, have arrived, and no argument, from that principle, should operate to discourage the committee from taking such measures as will tend to protect and promote our domestic manufactures. He referred

1 Congress.  
1 Session.

to the history of the world, to show that the establishment of manufactories, and the encouragement of home manufactures, by duties on foreign goods, had long been the policy of nations. He thought it politic and just that this government should foster all manufactures which tend to national utility. He was opposed to the adoption of the scale of 1783, when we had few manufactures. Since that time, our manufactories have greatly increased, artisans have multiplied, and the materials on hand are abundant. He wished, therefore, the amendment to be adopted. Mr. Madison said, that, however disposed the committee might be to promote domestic manufactures, some regard ought to be paid to the present policy of raising revenue. He stated, that, if the committee should delay levying and collecting an impost, until a system of protecting duties shall be perfected, there would be no importations of any consequence on which the law could operate, as all the spring vessels would have arrived; and thus would occur a loss equal to the surplus which might be expected from a system of higher duties. He admitted that the sentiments of gentlemen from different parts of the United States should be weighed, but he regarded it as a higher duty to consider the general interest of the Union, than any local or state interest; and any system of impost must be founded on the principles of mutual concession. He reminded the committee that it was the thinly planted portions of the country which would contribute more under one system than the other, and that these portions, standing most in need of national protection, would have less reason to complain of unequal burdens. The states, on the other hand, which were more advanced in population, and ripe for manufactures, and which, while they retained the power to regulate their trade, could have protected these institutions, had thrown this power into other hands, with the expectation that their interests would not be neglected here. He then went on to give his views in the following language.

Mr. Madison's views.

“ I own myself the friend to a very free system of commerce, and hold it as a truth, that commercial shackles are generally unjust, oppressive, and impolitic. It is also a truth, that if industry and labour are left to take their own course, they will generally be directed to those objects which are the most productive, and this in a more certain and direct manner than the wisdom of the most enlightened legislature could point out; nor do I think that the national interest is more promoted by such restrictions, than that the interest of individuals would be promoted by legislative

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1st Session.

Mr. Madison's views.

interference, directing the particular application of its industry: for example, we should find no advantage in saying, that every man should be obliged to furnish himself, by his own labour, with those accommodations which depend upon the mechanic arts, instead of employing his neighbour, who could do it for him on better terms. It would be of no advantage to the shoemaker to make his own clothes, to save the expense of the tailor's bill; nor of the tailor to make his own shoes, to save the expense of procuring them from the shoemaker. It would be better policy to suffer each to employ his talent in his own way: the case is the same between the exercise of the arts and agriculture—between the city and the country, and between city and town, each capable of making particular articles in sufficient abundance to supply the other—thus all are benefited by exchange, and the less this exchange is cramped by government, the greater are the proportions of benefit to each. The same argument holds good between nation and nation, and between parts of the same nation.

“In my opinion, it would be proper also for gentlemen to consider the means of encouraging the great staple of America: I mean agriculture, which, I think, may justly be styled the staple of the United States, from the spontaneous productions which nature furnishes, and the manifest preference it has over every other object of emolument in this country. If we compare the cheapness of our land with that of other nations, we see so decided an advantage in that cheapness, as to have full confidence of being unrivalled: with respect to the object of manufacture, other countries may and do rival us; but we may be said to have a monopoly in agriculture. The possession of the soil, and the lowness of its price, give us as much a monopoly in this case, as any nations in other parts of the world have in the monopoly of any article whatever; but, with this advantage to us, that it cannot be shared nor injured by rivalryship.

“If my general principle be a good one, that commerce ought to be free, and labour and industry left at large to find its proper object, the only thing which remains, will be to discover the exceptions that do not come within the rule I have laid down. I agree with the gentleman from Pennsylvania, that there are exceptions, important in themselves, and which claim the particular attention of the committee. Although the freedom of commerce would be advantageous to all the world, yet, in some particulars, one nation might suffer to benefit others, and this ought to be for the general good of society.



1st Congress.  
1st Session.

Mr. Madison's views.

"If America were to leave her ports entirely free, and make no discrimination between vessels owned by her citizens and those owned by foreigners, while other nations make this discrimination, it is obvious, that such policy would go to exclude American shipping altogether from foreign ports, and she would be materially affected in one of her most important interests: to this we may add another consideration; that by encouraging the means of transporting our productions with facility, we encourage the raising them: and this object, I apprehend, is likely to be kept in view by the general government.

"Duties laid on imported articles may have an effect which comes within the idea of national prudence. It may happen, that materials for manufactures may grow up without any encouragement for this purpose: it has been the case in some of the states, but in others regulations have been provided, and have succeeded in producing some establishments, which ought not to be allowed to perish, from the alteration which has taken place. It would be cruel to neglect them, and divert their industry to other channels, for it is not possible for the hand of man to shift from one employment to another, without being injured by the change. There may be some manufactures which being once formed, can advance toward perfection without any adventitious aid; while others, for want of the fostering hand of government, will be unable to go on at all: legislative attention will, therefore, be necessary to collect the proper objects for this purpose, and this will form another exception to any general principle.

"I observe that a sumptuary prohibition is within the view of some of the proposed articles, and forms another exception. I acknowledge that I do not, in general, think any great national advantage arises from restrictions passed on this head; because, as long as a distinction in point of value subsists, sumptuary duties, in some form or other, will prevail and take effect.

"Another exception is embargoes in time of war: these may necessarily occur and shackle the freedom of commerce; but the reasons for this are so obvious, that it renders any remark unnecessary.

"The next exception that occurs, is one on which great stress is laid by some well-informed men, and this with great plausibility. That each nation should have within itself the means of defence, independently of foreign supplies: that in whatever relates to the operation of war, no state ought to depend upon a precarious supply from any part of the world. There may be

CHAP. III.

National Revenue—Imports, and Tonnage Duties.

1799.

2d Congress.  
2d Session.

Mr. Madison's views.

some truth in this remark, and, therefore, it is proper for legislative attention. I am, though, well persuaded that the reasoning on this subject has been carried too far. The difficulties we experienced a few years ago, of obtaining military supplies, ought not to furnish too much in favour of an establishment which would be difficult and expensive; because our *national* character is now established and recognised throughout the world, and the laws of war favour national exertion more than intestine commotion: so that there is good reason to believe, that when it becomes necessary, we may obtain supplies from abroad as readily as any other nation whatsoever. I have mentioned this, because I think I see something among the enumerated articles that seems to favour such policy.

“The impost laid on trade for the purpose of obtaining revenue, may likewise be considered as an exception; so far, therefore, as revenue can be more conveniently and certainly raised by this, than any other method, without injury to the community, and its operation will be in due proportion to the consumption, which consumption is generally proportioned to the circumstances of individuals, I think sound policy dictates to use this mean; but it will be necessary to confine our attention, at this time, peculiarly to the object of revenue, because the other subject involves some intricate questions, to unravel which, we, perhaps, are not prepared. I have no objection to the committee's accepting the propositions offered by the gentleman from Pennsylvania; because, so far as we can enumerate the proper objects, and apply specific duties to them, we conform to the practice prevalent in many of the states, and adopt the most laudable method of collecting revenue; at least, preferable to laying a general tax. Whether, therefore, we consult ease and convenience in collection, or pursuing habits already adopted and approved, specific duties, as far as the articles can properly be enumerated, is the more eligible mode of obtaining the end in contemplation.—Upon the whole, as I think some of the propositions may be productive of revenue, and some may protect our domestic manufacture, though the latter subject ought not to be too confusedly blended with the former, I hope the committee will receive them, and let them lay over, in order that we may have time to consider how far they are consistent with justice and policy.”

Mr. Boudinot, of New Jersey, stated that, being, in general, favourable to specific duties on enumerated articles, he should support the amendment; but, without committing himself to sup-

1 Congress.  
1 Session.

port the whole, or any particular article, if, on consideration, he should deem any of them impolitic or unjust. As the article of glass was omitted in the enumeration, he desired to be informed, by the gentleman from Pennsylvania, if there were any thing peculiar in the manufacture of that article, which had induced the omission. If not, he should move to insert it, as he was of the opinion that we could manufacture glass as well as most nations, the materials being almost all produced in our country. Mr. Fitzsimons and Mr. Madison suggested, that when the articles enumerated should come to be considered separately, any one could be stricken out, if it should be deemed unable to bear the specific duty proposed to be laid upon it. The question was taken, and it was agreed to add the articles enumerated in the amendment, to the original list, introduced by Mr. Madison. On motion of Mr. Lee, of Virginia, the committee then rose.

Amend-  
ent a-  
reed to.

Petition  
om Bal-  
more.

On the 11th, Mr. Smith, of Maryland, presented a petition from the tradesmen, manufacturers, and others, of the town of Baltimore, which was read, setting forth, That since the close of the late war, and the completion of the revolution, they have observed, with serious regret, the manufacturing and the trading interest of the country rapidly declining, and the attempts of the state legislatures to remedy the evil failing of their object; that in the present melancholy state of our country, the number of poor increasing for want of employment, foreign debts accumulating, houses and lands depreciating in value, and trade and manufactures languishing and expiring; they look up to the supreme legislature of the United States, as the guardians of the whole empire, and from their united wisdom and patriotism, and ardent love of their country, expect to derive that aid and assistance, which alone can dissipate their just apprehensions, and animate them with hopes of success in future, by imposing on all foreign articles, which can be made in America, such duties as will give a just and decided preference to their labours; discountenancing that trade which tends so materially to injure them, and impoverish their country; measures which, in their consequences, may also contribute to the discharge of the national debt, and the due support of government: that they have annexed a list of such articles as are, or can be, manufactured amongst them, and humbly trust in the wisdom of the legislature to grant them, in common with the other mechanics and manufacturers of the United States, that relief which may appear proper. This petition was referred to the committee of the whole on the state of the Union.

H. Journal,  
p. 12.

Lloyd's  
Con. Reg.,  
vol. i. p.  
29, 30.

1st Congress.  
1st Session.

The house having again resolved itself into committee of the whole on the state of the Union, the subject of Mr. Madison's resolutions was resumed. Mr. Lee then expressed a wish that the articles should be considered separately. On motion of Mr. Goodhue, of Massachusetts, the following articles were then added to the list:—

H. Journal,  
p. 12.

Lloyd's  
Con. Reg.,  
vol. I. p.  
30—37.

Mr. Good-  
hue's  
amend-  
ment.

- “ Upon anchors, for every 112 lbs.
- “ Upon every dozen of wool cards.
- “ Upon wrought tin ware.
- “ Upon every box of lemons.
- “ Upon every barrel of limes.”

Some further discussion then took place, in which Mr. Clymer, of Pennsylvania, expressed his conviction that a political necessity existed both for encouraging manufactures and obtaining revenue; but he wished that a systematic course should be pursued, and that a sub-committee should be appointed to collate the materials, and bring them before the house in a digested form. The chairman replied, that it would not be competent for a committee to appoint another committee. Mr. Boudinot then moved that the committee rise and report, as their opinion, that a committee should be appointed for the purpose of framing a temporary law. This motion he prefaced with a variety of reasons against the adoption of a permanent system, until there should have been more time allowed for deliberation, and for the acquisition of the necessary knowledge. He wished to take the resolution of the Congress of 1783 as the basis, “adding only such protecting duties as are necessary to support the manufactures established by the legislatures of the manufacturing states.” In the collection of the revenue, also, he wished, until a general plan should be devised, that “officers should be appointed to collect the impost and protecting duties in the manner and under the penalties directed by the laws of the proper state.” Messrs. Bland and Lee, of Virginia, Mr. Fitzsimons, of Pennsylvania, and Mr. Madison, then took part in an immaterial discussion, when the motion for the rising of the committee being withdrawn,

Mr. Madison's  
motion.

Mr. Madison moved that when the committee rose, they should report, as the opinion of the committee of the whole, that a committee be appointed for the purpose of preparing a bill to regulate the mode of collecting duties on impost and tonnage; and this motion was adopted by the committee. It was then stated by Mr. Fitzsimons, that the amount of revenue required for the necessities of the state, including the instalments and interest of

1st Congress.  
1st Session.

Duty on  
rum.

Reported  
resolution.

House ap-  
point com-  
mittee to  
prepare  
collection  
bill.

Ardent  
spirits &c.,  
substituted  
for rum.

the foreign and domestic debt, and the current expenses of the government, was about *three millions of dollars*. Mr. Sherman, of Connecticut, moved that the article of rum should be charged with *fifteen* cents per gallon—"He used the term cents because it was a denomination of national coin, fixed by the late Congress, ten of which make a dime, and ten dimes a dollar." Mr. Smith, of Maryland, thought the sum named too high, and moved *ten* cents. On motion of Mr. Madison, the committee then rose, and reported the resolution of Mr. Madison, which was agreed to as follows:—

"*Resolved*—That it is the opinion of this committee, that an act ought to pass for regulating the collection of imposts and tonnage in the United States."

H. Journal,  
p. 12.

In was then "*Ordered*—That a bill, or bills, be brought in pursuant to the said resolution, and that a committee, to consist of a member from each state present, be appointed to prepare and bring in the same."

The following committee was then appointed:—Messrs. Gilman, (New Hampshire,) Gerry, (Massachusetts,) Sherman, (Connecticut,) Lawrance, (New York,) Cadwalader, (New Jersey,) Fitzsimons, (Pennsylvania,) Gale, (Maryland,) Madison, (Virginia,) Tucker, (South Carolina.)

The subject again occupied the attention of the committee on the 14th of April, and from that day until the 21st, inclusive. When the house went into committee, on the 14th, Mr. Bland made a motion with a view to take the sense of the committee, as to whether the measure in progress should be a temporary, or a permanent one; but, after some remarks from Mr. Scott, of Pennsylvania, as to the propriety of taking up every article separately, for consideration; and from Mr. Madison, concerning the irregularity of the motion of Mr. Bland, that gentleman withdrew his proposition. The committee then resumed the consideration

Id. p. 14.

of the motion for a duty on rum. On motion of Mr. Gale, of Maryland, the word *rum* was exchanged for "*ardent spirits, of Jamaica proof*." Mr. Lawrance proposed a duty of 12 cents on this article. He wished to impose as high a duty as could be efficiently collected; but he thought a duty of 15 cents would hold out too strong a temptation for smuggling. Mr. Fitzsimons and Mr. Madison supported the highest duty, the latter gentleman stating that it very little exceeded what was laid in some states, while some had imposed an excise duty still higher; and the former reminding the committee that, in Pennsylvania, this article

Lloyd's  
Con. Reg.,  
vol. i. p. 41  
—57.

1st Congress.  
1st Session.

15 cents  
per gallon,  
and 12  
cents on  
other spi-  
ritous li-  
quors, a-  
greed to.

Molasses,  
8 cents  
moved.

was charged with an impost amounting to near  $\frac{2}{3}$ ths of a dollar, and an excise of  $\frac{1}{3}$ th more, all of which was collected on about 800,000 gallons, without much difficulty. The highest sum now proposed very little exceeded the duty collected in Pennsylvania. Mr. Boudinot expressed himself as in favour of the highest duty that could be collected. It was then stated by Mr. Lawrance, that the duty collected in the state of New York was about *eight* cents. The quantity imported into New York, from April, 1786, to April, 1787, was 850,000 gallons, of which only 67,000 were exported. If the duty were raised too high, much of the revenue from this source might be lost, by the ingenious evasions of the duty which would be practised. While he regretted the pernicious effects of the use of ardent spirits on the morals and health of the people, he thought it became the committee to view the subject as politicians rather than as moralists, and to tax the vices which it was impossible to eradicate. It was then agreed to tax ardent spirits, of Jamaica proof, 15 cents, and all other spiritous liquors, 12 cents.

On the article of molasses, Mr. Madison suggested that 8 cents per gallon would allow a sufficient advantage to our own manufacturers, while it bore a proper proportion to the duty on rum. The motion was seconded by Mr. Parker, of Virginia. Mr. Lawrance considered this duty too high, as it was a necessary of life. The Congress of 1783 did not propose more than one penny, and he was willing to double that amount, which would produce 40,000 dollars. The duty proposed by the gentleman from Virginia, would, if collected, produce 160,000 dollars, which he considered to be more than ought to be drawn from that source, since an excessive duty would prevent the great exportation of the article after we had manufactured it, and which was very productive to our citizens. Mr. Madison met this last statement by showing that Massachusetts, which manufactured as much rum as any other state, in proportion, shipped off to different parts of this country, 49,943 gallons of rum, manufactured there; while she exported to Nova Scotia 801 gallons, to Europe 1206, and to Africa and the East Indies 897 gallons: so that the great exportation alluded to, was made to the different parts of the United States, and not to foreign countries; and the duty was paid by our own citizens, who were the consumers. Mr. Fitzsimons was an advocate for 8 cents; which was opposed by Mr. Goodhue, who stated that Massachusetts imported, annually, from 30,000 to 40,000 hogsheads of molasses, and that when Great Britain laid a duty of three pence sterling per gallon on this ar-

Congress.  
Session.

ticle, it was deemed oppressive, and caused heart-burnings and enmity. He would not consent to impose a higher duty than two cents. Mr. Thatcher, of Massachusetts, suggested that the committee was likely to get into difficulty by proceeding too hastily, and would move, if in order, to take up the resolutions of Congress of 1783, and lay on duties as nearly similar as can well be, to those recommended at that period; and then move for a committee to go on to review and consider of certain regulations necessary to form a permanent system at some future period. Mr. Clymer, of Pennsylvania, suggested to those who opposed this duty on the ground that it was a tax on the raw material of a profitable manufacture, that it entered into an injurious competition with another manufacture, the raw material of which was to be found in our own agriculture, and which was divested of the pernicious qualities attached to ardent spirits, that of malt liquors. The duty of 8 cents was opposed by Mr. Fisher Ames, of Massachusetts, who regarded it as a tax which would bear unequally and injuriously on that state. "We (said he) exchange for molasses those fish that it is impossible to dispose of any where else: we have no market within our reach but the islands from whence we get molasses in return, which again we manufacture into rum. These circumstances form a material link in our chain of navigation; and upon our success in navigation the most important interests of the United States depend. It is scarcely possible to maintain our fisheries with advantage, if the commerce for summer fish is injured, which I conceive it would be, very materially, if a high duty is imposed on this article; nay, it would carry devastation throughout all the New England states—it would, ultimately, affect all throughout the Union." He then viewed the importance of the fishery on the banks, as a nursery for seamen. It had been the policy of other nations to drive us from that prolific source of wealth and strength; and this high duty would accomplish what they had in vain endeavoured to do. Some further discussion took place between Mr. Fitzsimons, Mr. Ames, Mr. Goodhue, Mr. Lawrance, and Mr. Boudinot, in which no new facts were elicited: after which, Mr. Madison said he would be willing to agree to a small reduction of his duty; but thinking 6 cents too low, he would move 7 cents, and, for that purpose, withdrew his motion for 8 cents. The motion for 7 cents was negatived, and it was agreed to fill the blank with 6 cents.

Mr. Madison  
a modification  
his motion  
to 7  
cents.

Madeira  
wine.  
15 cents  
duty.

The article of Madeira wine was the next which provoked a discussion. Mr. Sherman, of Connecticut, moved to fill the blank with *fifteen* cents. Mr. Gilman, of Massachusetts, pro-

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57—60.

## CHAP. III.

## National Revenue—Imposts, and Tonnage Duties.

1799.

1st Congress.  
1st Session.20 cents  
moved.  
30 cents.  
50 cents.

posed *twenty* cents; and Mr. Hartley, of Pennsylvania, moved *thirty* cents. Mr. Fitzsimons moved *fifty* cents. He estimated the cost of a pipe of Madeira at 200 dollars, and of a hogshead of rum at 40 dollars; and the ability of the consumers of the different articles was in about the same ratio. This motion was seconded by Mr. Muhlenberg, of Pennsylvania. Mr. Bland, and Mr. Lawrance, thought 50 cents too high; and the latter gentleman corrected the estimate of the cost of Madeira wine, which, he said, was not worth more than 100 dollars the pipe, at the time of importation. He was in favour of 20 cents. Mr. Fitzsimons replied, that the wine cost £24 sterling in Madeira, and when all the charges were added, the price would be brought near to what he had stated. Mr. Boudinot thought 50 cents too high, when the cost, charges, and loss by importation, were taken into account. Mr. Fitzsimons modified his motion to 33½ cents; and this motion was agreed to by a vote of 21 to 19.

33½ cents  
agreed to.Other  
wines.

It was then agreed to lay a duty of 20 cents the gallon on all other wines.

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62, 63.Sugars and  
coffee.

The committee, after agreeing to lay one cent per pound on brown sugar, 3 cents on loaf sugar, 1½ cents on other sugars, and 2½ cents on coffee, rose and reported progress.

Cocoa, ale,  
and porter.

On the 15th, the committee agreed to impose one cent per lb. on cocoa. Some discussion then took place on a proposition by Mr. Fitzsimons, to lay *six* cents per gallon on beer, ale, and porter, imported in casks. Mr. Lawrance, in seconding the motion, said, he would have the duty so high as to give a decided preference to American beer. After brief debate, Mr. Madison moved *eight* cents on all beer imported. He hoped this would be such an encouragement, as to induce the manufacture to take deep root in every state in the Union. In the state of New York, the duty had been *six* cents; and *eight* cents, if brought in foreign vessels. The committee agreed to eight cents; and to 25 cents per dozen, on all beer, ale, or porter, imported in bottles. The articles of beef, pork, and butter, were then stricken out of the list of articles. After a short discussion, a motion, by Mr. Fitzsimons, to lay on candles, of tallow, *two* cents per pound, was agreed to, and also on the subjoined articles, the duties which are annexed:—

8 cents in  
casks.  
25 cents  
per dozen  
in bottles.Candles,  
cheese, &c.

"On all candles of wax or spermaceti, per lb., 6 cents.

"On cheese, 4 cents.

"On soap, 2 cents.

"On boots, per pair, 50 cents.

"On all shoes, slippers, or golishes, made of leather, 10 cents.



1 Congress.  
1 Session.  
Steel.

"On all shoes, or slippers, made of silk or stuff, 10 cents."

The next item being, "On all steel unwrought, for every 112 lbs."

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vol. 1  
68—73.

Mr. Lee moved to strike out the article, as necessary to agricultural improvements, in which motion he was seconded by Mr. Tucker. Mr. Clymer said that a furnace in Philadelphia, with a very small aid from the legislature of Pennsylvania, made 300 tons of steel in two years, and now made at the rate of 230 tons annually, and, with a little further encouragement, would supply enough for the consumption of the Union. It was then denied by Mr. Fitzsimons, that a duty of five shillings per cwt., which was all he proposed, would operate oppressively on the agricultural interest. Mr. Madison wished the article to be passed over, and left among the non-enumerated ones, where it would be subject to an *ad valorem* duty of five *per cent*. The only object of its introduction here, must have been the encouragement of the manufacture, and not revenue, and, as it was so materially connected with the improvement of agriculture, and other manufactures, he questioned the propriety of the specific duty which was proposed, even upon that score. Mr. Tucker adverted to the oppressiveness of this tax on South Carolina, which state was already in a melancholy condition, the inhabitants being deeply in debt, and their produce daily falling in price. Rice and indigo were thought by many not worthy of cultivation. The *ad valorem* duty he would not oppose, and he thought that should be deemed sufficient. Mr. Fitzsimons moved to fill the blank with 66 cents, which was negatived, and a motion by Mr. Boudinot to fill it with 56 cents, was agreed to. The following items were then agreed to:—

66 cents  
r cwt.  
ved.  
56 cents  
reed to.

"On nails and spikes, 1 cent per lb.

"On tarred cordage, 50 cents per 112 lbs.

"On untarred cordage, 60 cents per 112 lbs.

"On twine, or pack-thread, 100 cents per 112 lbs."

Hemp.

The item of hemp then produced considerable discussion, Mr. Madison having moved a duty upon it. He had wished to leave untouched every article connected with ship-building; but if it were politic to tax cordage, the same reason would justify taxing hemp. As a raw material, Mr. Boudinot thought hemp should be lightly touched. To this, it was replied by Mr. Madison, that if it were politic to make the United States independent of the world for cordage, they ought also to be made independent for the raw material, which could be cultivated to advantage in the west, if the husbandman were sufficiently protected. The duty

Id. p. 1  
—80.

## CHAP. III.

## National Revenue—Imposts, and Tonnage Duties.

1799.

1st Congress.  
1st Session. was opposed on this and the following day, by Mr. Boudinot, Mr. Partridge, Mr. Lawrance, Mr. Ames, Mr. Fitzsimons, Mr. Hartley, and was defended by Mr. Moore, Mr. Scott, Mr. White, and Mr. Goodhue. It was conceded, however, by the opponents of the measure, that a low duty should, for the sake of conciliation, be imposed; and Mr. Partridge moved 40 cents, as about equal to an *ad valorem* of five *per cent*. Mr. White, (from Virginia,) moved 75 cents. Mr. Smith, of Maryland, was willing to take 40 cents, if the committee would make it 100 cents at the end of two years. Mr. Madison thought 75 cents too high, and moved 50 cents, which was agreed to.

Malt 10 On the article of malt, *ten* cents a bushel was laid. It was  
cents Per stated by Mr. Fitzsimons, that the recent importations of this ar-  
bushel. ticle amount to 30,000 bushels in one year. Barley was then  
Barley and taxed *six* cents, and lime *ten* cents per bushel, on motion of Mr.  
lime. Ames, who said these articles were imported in considerable quantities from a neighbouring state, that had not yet adopted the Constitution.

Nails and It was moved by Mr. Lee to strike out the items of nails, spikes,  
spikes. tacks, and brads; and, after discussion, nails and spikes were taxed one cent per lb., and tacks and brads were struck out.

Salt 6 The policy of a duty on salt was discussed during the 16th and  
cents. 17th, and finally 6 cents was agreed to, with a drawback on salted provisions and fish. It was stated, in debate, by Mr. Burke, that South Carolina and Georgia would be heavily oppressed by a duty on this article. The people in the back parts of these states, had to haul their salt, two, three, and four hundred miles in wagons, paying 7s. 6d. sterling, in addition to the first cost of one shilling. Mr. Scott stated that from the nearest point on the Atlantic where salt could be obtained, to the next nearest in the western country was 800 or 1000 miles, and it was carried across the mountains on pack-horses. Mr. Moore considered the tax unpopular and unjust; and Mr. Smith, of South Carolina, intimated that the inhabitants of the state were already opposed to the new government, and ought not to be still further alienated. Mr. Lawrance estimated the consumption of salt as averaging three bushels for a family; but, in those parts where it was difficult to be obtained, it was used with more frugality than where it was abundant; the poor also used it more sparingly than the rich, while the latter must supply all their dependants; so that the tax would be less unequal and oppressive in its operation than gentlemen seemed to imagine. Mr. Madison advocated a mode-

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80, 81.  
Id. p. 81.

Id. p. 82.

Id. p. 83-  
93.

## CHAP. III.

## National Revenue—Imports, and Tonnage Duties.

1789.

1st Congress.  
1st Session. rate duty on salt, and answered the arguments against it. The tax was further supported by Mr. Huntington, Mr. Fitzsimons, and Mr. Smith, of Maryland, and opposed by Mr. White and Mr. Scott. Mr. Smith stated that they collected *eight cents* in Maryland, and it caused no complaint that he knew of.

Tobacco and snuff. It was then agreed, on motion of Mr. Sherman, to lay *six cents per lb.*, deemed equal to a prohibition, on manufactured tobacco; and *ten cents* on snuff.

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Con. Reg.,  
vol. i. p.  
93, 94.

Glass, paper, &c. On motion of Mr. Carroll, a duty of *ten per cent. ad valorem* was laid on all window and other glass, except black quart bottles.

On motion of Mr. Clymer, it was agreed that *seven and a half per cent. ad valorem* should be laid on blank books, writing, printing, and wrapping paper, and paste-board.

Jewellery, plate, cabinet ware, iron, &c. The same duty was also laid upon canes, walking-sticks, whips, clothing ready made, on gold, silver, and plated ware, on jewellery and paste-work. Also, upon all cabinet ware, buttons of metal, saddles, gloves of leather, all hats of beaver, fur, wool, or mixture of either, all millinery, castings of iron, or slit, or rolled iron, all leather tanned, or tawed, or manufactures thereof, except such as are otherwise rated.

Coaches, &c. On every coach, chariot, or other four-wheel carriage, and on every chaise, solo, or other two-wheel carriage, or parts thereof, was laid *fifteen per cent. ad valorem*.

The committee then rose and reported progress, and, on the 18th, the subject was again taken up. The following items were then agreed to, after, on motion of Mr. Sherman, the committee had stricken out "nutmegs, cinnamon, raisins, figs, currants, and almonds."

H. Journal,  
p. 16—18.

"On anchors, seven and a half *per cent. ad valorem*.

"On wool cards, 50 cents per dozen.

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Con. Reg.,  
vol. i. p.  
95—98.

"On wrought tin ware, seven and a half *per cent. ad valorem*.

"On every quintal of fish, 50 cents.

"On every barrel of pickled fish, 75 cents.

Teas. "On all teas imported from China or India in ships built in the United States, and belonging wholly to a citizen or citizens thereof, as follows: on Bohea tea, per pound, 6 cents; on all Sou-chong, and other black teas, 10 cents; on superior green teas, 20 cents; on all other teas, 10 cents.

"On all teas imported from any other country, or from India or China, in ships which are not the property of a citizen or citizens of the United States, as follows: on Bohea tea, per pound,

## CHAP. III.

## National Revenue—Imports, and Tonnage Duties.

1789.

1st Congress.  
1st Session.

10 cents; Souchong, and other black teas, 15 cents; on superior green teas, 30 cents; on all other green teas, 18 cents per pound.

Coal.

“On coal, 3 cents per bushel.”

Mr. Madison expressed some doubt as to the policy of the clauses imposing the duties on tea, and they were defended by Mr. Fitzsimons, who moved them, and by Mr. Goodhue and Mr. Boudinot. In the article of coal, also, a motion was unsuccessfully made by Mr. Hartley, to limit the duty to one cent per bushel.

The whole time devoted to this subject, on the 20th, was employed in the discussion of a motion by Mr. Fitzsimons, that a drawback of *six* cents per gallon be allowed on all rum distilled in the United States, exported without the limits of the same. This motion, after debate, was decided in the negative.

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Con. Reg.,  
vol. i. p.  
101—104.

Mr. Fitzsimons moved to insert the following clause:—“That all the duties paid, or secured to be paid, on goods imported, shall be returned or discharged upon such of the said goods as shall, within — months, be exported to any country without the limits of the United States, except so much as shall be necessary to defray the expense that may have accrued by the entry and safe keeping thereof.”

The committee, on motion of Mr. Clymer, rose without deciding or discussing this question, but on the 21st, the motion was adopted without debate.

Tonnage  
duties.

It was agreed to lay a duty of six cents per ton on all vessels built in the United States, and owned by a citizen or citizens thereof, and all vessels foreign built, but now owned by such citizens.

Id. p. 105  
—124.

American  
vessels.

A motion was then made to adopt the following clause:—“On all vessels belonging wholly to subjects of powers in alliance with the United States or partly to the subjects of these powers and partly to the citizens of the United States, — cents per ton.”

This question was discussed by Mr. Goodhue, Mr. Lawrance, Mr. Fitzsimons, Mr. Tucker, Mr. Benson, Mr. Burke, Mr. Sherman, Mr. Madison, and Mr. Baldwin. It was moved by Mr. Goodhue, to fill the blank with 60 cents. Mr. Boudinot moved 30 cents. Mr. Hartley proposed one-third of a dollar. The motion for the highest sum was subsequently withdrawn, and the intermediate sum being rejected, the blank was filled with 30 cents.

Foreign  
vessels.

The following clause was then moved:—“On all vessels belonging wholly or in part to the subjects of other powers, at the rate of — cents per ton.”

Mr. Lawrance moved to fill this blank with the same sum. Mr. Madison advocated a discrimination. It was then moved by

1st Congress.  
1st Session.

Mr. Fitzsimons to insert 60 cents. Mr. Tucker moved 35 cents; intending, should that sum be adopted, to move a reduction of the sum in the first clause, to 20. A motion was made by Mr. Madison to limit the duty to a certain time, so as to allow an opportunity to add to our own tonnage, and afterwards to increase the duty to a greater degree. On the motion of Mr. Madison there was an equal division of the committee, and the casting vote of the chairman was given in the negative; he remarking, that he did not see any necessity for using the words, because the subject was always in the power of the legislature. Mr. Boudinot then moved 50 cents, which was adopted, the motion for 60 cents having been previously negatived.

Proviso.

It was then provided "that no vessel built within the United States, and belonging to a citizen or citizens thereof, whilst employed in the coasting trade, or in the fisheries, shall pay tonnage more than once in any one year. Nor shall any ship or vessel built within the United States pay tonnage on her first voyage."

Resolutions reported.

The committee then reported the resolutions to the house, where they were read and ordered to lie on the table. H. Journal, p. 19, 20.

Motion to reduce duty on spirits, lost.

On the 24th of April, the house proceeded to consider the resolutions, and a discussion, which consumed the whole of the day,

took place on a motion of Mr. Boudinot, to reduce the duty imposed by the committee on distilled spirits of Jamaica proof, from 15 to 12 cents per gallon. The reduction was supported by Mr. Jackson, of Georgia, Mr. Wadsworth, of Connecticut, Mr. Lawrance, and Mr. Tucker; the last gentleman proposing to strike off *seven* cents from the fifteen; and was opposed by Mr. Madison, and Mr. Fitzsimons. On the succeeding day, the motion of Mr. Boudinot was negatived.

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Con. Reg.,  
vol. i. p.  
125—135.

Discrimination in favour of allies.

It was then moved by Mr. Smith, of Maryland, that a duty of *six* cents per gallon be laid on all spirits of Jamaica proof, imported from the dominions of nations in alliance. The motion was sustained by Mr. Lee, Mr. Page, and Mr. Madison; and was opposed by Mr. Lawrance, Mr. Fitzsimons, and Mr. Sherman. The question was then carried in the affirmative, and the duties were ordered to be, on all spirits of Jamaica proof, imported from nations in alliance, *twelve* cents per gallon; on all other spirits, from the same nations, *ten* cents.

Id. p. 135  
—143.

Madeira wine reduced, and other wines.

Mr. Boudinot then moved to reduce the duty on Madeira wine to *twenty-five* cents per gallon, in which motion Mr. Madison acquiesced; and, after an unsuccessful effort by Mr. Fitzsimons to keep the duty at the rate imposed by the committee, the house agreed to the reduction. The duty on all other wines

## CHAP. III.

## National Revenue—Imports, and Tonnage Duties.

1799.

1st Congress.  
1st Session.Barley,  
lime, and  
shoes.

was then reduced from *twenty* cents to *fifteen*. The duty on barley and lime, was, on motion of Mr. Ames, stricken out; on shoes the duty was reduced from *ten* to *seven* cents.

On the 27th, the house resumed the subject, when a proposition was made by Mr. Fitzsimons, that a duty of 100 cents be laid on cables and cordage, instead of the *fifty* cents laid on in committee. Mr. Madison moved *seventy-five* cents; and the motion of Mr. Fitzsimons being negatived, that of Mr. Madison was agreed to. Mr. Fitzsimons then proposed that tarred cordage should be taxed *ninety* cents, which was agreed to. On motion of Mr. Heister, a duty of *sixty* cents upon hemp was then agreed to, but not to take place till the 31st of December, 1790. The duty on twine and pack-thread was then raised to 200 cents for every 112 lbs.

H. Journal,  
p. 21.Lloyd's  
Con. Reg.,  
vol. i. p.  
144.

Molasses.

The subject of molasses was then taken up for discussion, Mr. Goodhue having introduced it with some remarks on the exorbitance of the duty. The debate was continued through the 27th, and the whole of the 28th, and resulted in the rejection of a motion to strike out the duty of *six* cents. The reduction of the duty was desired by Mr. Sherman, Mr. Goodhue, Mr. Gerry, Mr. Sylvester, Mr. Wadsworth, Mr. Thatcher, Mr. Boudinot, and Mr. Ames; and opposed by Mr. Jackson, Mr. Madison, and Mr. Fitzsimons, in speeches of some length, and indicative of more temper than any discussion which had preceded it. After this question was disposed of, Mr. Fitzsimons renewed his motion, which was negatived in committee, that a drawback of *three* cents per gallon be allowed on all rum distilled in the United States, and which shall be exported without the limits thereof, and this motion was agreed to. The first resolution of the committee was then agreed to, in the following amended form:—

Id. p. 146  
—172.Drawback  
on rum ex-  
ported.Resolution  
as amend-  
ed.

*Resolved*—That it is the opinion of this committee, that the following duties ought to be laid on goods, wares, and merchandises, imported into the United States, namely:—

H. Journal,  
p. 21—23.

IN CENTS.

- " On all distilled spirits, of Jamaica proof, imported from any state or kingdom in alliance with the United States, per gallon, . . . . . 12
- " On all other distilled spirits, imported from any such state or kingdom, per gallon, . . . . . 10
- " On all distilled spirits of Jamaica proof, imported from any state or kingdom not in alliance with the United States, per gallon, . . . . . 15

| CHAP. III.                     | National Revenue—Imports, and Tonnage Duties.   | 1789.        |
|--------------------------------|---|--------------|
| 1st Congress.<br>1st Session.] | “ On all other distilled spirits, imported from any such state or kingdom, per gallon, . . . . .  | CENTS.<br>12 |
| Resolution<br>as amend-<br>ed. | “ On molasses, per gallon, . . . . .  | 6            |
|                                | “ On Madeira wine, per gallon, . . . . .  | 25           |
|                                | “ On all other wines, per gallon, . . . . .   | 15           |
|                                | “ On every gallon of beer, ale, or porter, imported in casks, . . . . .   | 8            |
|                                | “ On all beer, ale, or porter, imported in bottles, per doz., . . . . .   | 25           |
|                                | “ On malt, per bushel, . . . . .  | 10           |
|                                | “ On brown sugars, per lb., . . . . .   | 1            |
|                                | “ On loaf sugars, per lb., . . . . .  | 3            |
|                                | “ On all other sugars, per lb., . . . . .   | 1½           |
|                                | “ On coffee, per lb., . . . . .   | 1½           |
|                                | “ On cocoa, per lb., . . . . .  | 1            |
|                                | “ On all candles of tallow, per lb., . . . . .  | 2            |
|                                | “ On all candles of wax and spermaceti, per lb., . . . . .  | 6            |
|                                | “ On cheese, per lb., . . . . .   | 4            |
|                                | “ On soap, per lb., . . . . .   | 2            |
|                                | “ On boots, per pair, . . . . .   | 50           |
|                                | “ On all shoes, slippers, or golo-shoes, made of leather, per pair, . . . . .   | 7            |
|                                | “ On all shoes, or slippers, made of silk or stuff, per pair, . . . . .   | 10           |
|                                | “ On cables, for every cwt., . . . . .  | 75           |
|                                | “ On tarred cordage, for every 112 lbs., . . . . .  | 75           |
|                                | “ On untarred do. and yarn, for every 112 lbs., . . . . .   | 90           |
|                                | “ On twine or pack-thread, for every 112 lbs., . . . . .  | 200          |
|                                | “ On hemp, per cwt., after the first of December, 1789, . . . . .   | 60           |
|                                | “ On all steel, unwrought, for every 112 lbs., . . . . .  | 56           |
|                                | “ On all nails and spikes, per lb., . . . . .   | 1            |
|                                | “ On salt, per bushel, except such as shall be used on fish and provisions exported, . . . . .  | 6            |
|                                | “ On manufactured tobacco, per lb., . . . . .   | 6            |
|                                | “ On snuff, per lb., . . . . .  | 10           |
|                                | “ On every dozen of wool or cotton cards, . . . . .   | 50           |
|                                | “ On every bushel of coal, . . . . .  | 3            |
|                                | “ On pickled fish, per barrel, . . . . .  | 75           |
|                                | “ On dried fish, per quintal, . . . . .   | 50           |
|                                | “ On all teas imported from China or India, in ships built in the United States, and belonging to a citizen or citizens thereof, as follows:— |              |
|                                | “ On Bohea tea, per lb., . . . . .  | 6            |
|                                | “ On all Souchong, and other black teas, per lb., . . . . .   | 10           |
|                                | “ On superior green teas, per lb., . . . . .  | 20           |
|                                | “ On all other teas, per lb., . . . . .   | 10           |

## CHAP. III.

## National Revenue—Imposts, and Tonnage Duties.

1790.

1st Congress.  
1st Session.Resolution  
as amend-  
ed.

"On all teas, imported from any other country, or from India or China, in ships which are not the property of a citizen or citizens of the United States, as follows:—

|   | CENTS. |
|---|--------|
| "On Bohea tea, per lb. . . . .                          | 10     |
| "On all Souchong and other black teas, per lb., . . . . | 15     |
| "On superior green tea, per lb., . . . . .              | 30     |
| "On all other green teas, per lb., . . . . .            | 18     |

"On all window and other glass, except black quart bottles, ten *per cent. ad valorem*.

"On all blank books,

"On all writing, printing, wrapping-paper, paper hangings, and paste-board, . . . . .

"On all cabinet wares, . . . . .

"On all buttons of metal . . . . .

"On all saddles, . . . . .

"On all gloves of leather, . . . . .

"On all hats of beaver, fur, wool, or mixture of either, . . . . .

"On all millinery, . . . . .

"On all castings of iron, and upon slit or rolled iron,

"On all leather tanned or tawed, and on all manufactures of leather, except such as shall be otherwise rated, . . . . .

"On canes, walking-sticks, and whips, . . . . .

"On clothing, ready made, . . . . .

"On gold, silver, and plated ware, and on jewellery and paste work, . . . . .

"On anchors, and

"On all wrought tin and pewter ware, . . . . .

"On every coach, chariot, or other four-wheel carriage, and on every chaise, solo, or other two-wheel carriage, or parts thereof, *fifteen per cent. ad valorem*.

"On all other articles, *five per cent.* on their value at the time and place of importation, except as follows: Tin in pigs, tin plates, lead, old pewter, brass, iron, or brass wire, copper in plates, wool, dyeing woods, and dyeing drugs, (other than indigo,) raw hides, beaver and all other furs, and deer skins. *Provided*—That a drawback of six cents per gallon be allowed on all rum distilled in the United States, and which shall be exported without the limits thereof.

"Also, That all the duties paid or secured to be paid upon

Seven and a half *per cent. ad valorem*.



1st Congress.  
1st Session.

Resolution  
as amend-  
ed.

goods imported, shall be returned, or discharged upon such of the said goods, as shall within — months be exported to any country, without the limits of the United States, except so much as shall be necessary to defray the expense that may have accrued by the entry and safe keeping thereof."

Tonnage  
clauses  
postponed.  
Committee  
to prepare  
bill.

On motion of Mr. Madison, the clauses of the report respecting the duty to be laid on tonnage, were, for the present, postponed. It was then *resolved*—"That this house doth concur with the committee in the said resolution, and that Mr. Clymer, Mr. White, and Mr. Baldwin, do prepare and bring in a bill, or bills, pursuant thereto."

Lloyd's  
Con. Reg.,  
vol. i. p.  
172.  
H. Journal,  
p. 23.

Committee  
of supply.

In the mean time, on the 29th of April, Messrs. Gerry, Smith, of Maryland, and Parker, were appointed by the house, a committee to prepare and report an estimate of the supplies requisite for the present year, and of the nett produce of the impost, as agreed to by the house; and on the 8th of May, the house adopted the following order:—

Id. p. 23—  
31.

Instruction  
to commit-  
tee.

"*Ordered*—That the committee appointed on the 29th *ultimo*, to report an estimate of the supplies requisite for the present year, and of the nett produce of the impost, as agreed to by the house, be authorized and instructed to collect early and authentic statements of the particular articles of foreign produce and manufactures annually imported into, and of all the articles exported from, the several states, and the value of such imports and exports; also, the number of vessels, both foreign and domestic, entered and cleared during that time, specifying their tonnage, and the nations to which they respectively belong: specifying, also, the exact numbers of each particular description of vessels, of each nation, and the amount of tonnage of each particular vessel."

Tonnage  
duties dis-  
cussed.

On the 4th of May, the house proceeded to consider the tonnage clauses reported by the committee of the whole. Considerable discussion took place on the subject of the discrimination proposed, Mr. Lawrance moving to strike it out; and this motion was opposed by Mr. Madison, Mr. Clymer, Mr. Page, and Mr. Jackson; and was supported by Mr. Wadsworth and Mr. Sherman. The house came to no decision on the question during that day. On the 5th, Mr. Jackson moved to reduce the tonnage duty from *thirty* to *twenty* cents, with a view of reducing the tonnage on the vessels of powers not in alliance. This motion was opposed by Mr. Ames. Mr. Madison, to harmonize the conflict-

Id. p. 27.

Lloyd's  
Con. Reg.,  
vol. i. p.  
179—196.

Id. p. 200  
217.

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1790.

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1st Session.

ing opinions which were thrown out, proposed to reduce the present duty to 25 cents, and increase it at the end of the next year to 60 cents. The discussion of this question was resumed on the 6th, when the motion to reduce from thirty to twenty cents was negatived. On the 7th, Mr. Madison moved to reduce the duty to forty cents, and, at the end of the year 1790, to increase it to *seventy-five* cents. After much discussion, this motion was negatived. The house then agreed to the last resolution reported by the committee, so annexed as to read as follows:—

Lloyd's  
Con. Reg.  
vol. i. p.  
225—237.  
Id. p. 231  
—248.

Resolution  
as amend-  
ed.

“Resolved—That there ought to be levied on all vessels entered or cleared in the United States, the duties following, to wit:—

H. Journal  
p. 30, 31.

“On all vessels built within the United States, and belonging wholly to citizens thereof, at the rate of *six* cents per ton.

“On all vessels not built within the United States, but now belonging wholly to citizens thereof, at the rate of *six* cents per ton.

“On all vessels belonging wholly to the subjects of powers with whom the United States have formed treaties; or partly to the subjects of such powers, and partly to the citizens of the said states, at the rate of *thirty* cents per ton.

“On all vessels belonging wholly or in part to the subjects of other powers, at the rate of *fifty* cents per ton.

“*Provided*—That no vessel, built within the United States, and belonging to a citizen or citizens thereof, whilst employed in the coasting trade, or in the fisheries, shall pay tonnage more than once in any one year: nor shall any ship or vessel, built within the United States, pay tonnage on her first voyage.

“*Provided, also*—That no vessel be employed in the transportation of the produce or manufactures of the United States, or any of them, coastwise, except such vessels shall be built within the United States, and the property of a citizen or citizens thereof.”

Committee  
to prepare  
bill.

Messrs. Wadsworth, Heister, and Seney, were then appointed to prepare and bring in a bill, or bills, pursuant to the said resolution.

First tariff  
bill.

In the mean time, on the 5th of May, Mr. Clymer, from the committee appointed for that purpose, presented a bill “for laying a duty on goods, wares, and merchandises, imported into the United States,” which received then its first reading; and, on the 6th, was read a second time, and committed to a committee of the whole house, to-morrow. The bill was discussed

Id. p. 28, 29

Id. p. 31—  
35.

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1st Congress.  
1st Session.Molasses  
reduced to  
1 cent.Bill amend-  
ed.Mr. Madi-  
son's clause  
limiting  
the dura-  
tion of the  
bill.

in committee on the 8th, 9th, 11th, 12th, 13th, and 14th. Mr. Tucker commenced the debate, and moved that the duty on distilled spirits be reduced *six* cents per gallon. After discussion, the motion was rejected: ayes, 19; noes, 26. The subject of

molasses occupied the committee during the 11th and 12th, when the duty of *six* cents was stricken out by a vote of 24 to 22. It was then moved to fill the blank with *two, three, four, and five*; and *five* was ultimately agreed to: ayes, 25; noes, 23. On the 13th, the bill was amended by the insertion, on the motion of Mr. Ames, of an impost of seven and one half *per cent.* on china, earthen, and stone ware, and looking-glasses and brushes. Mr. Ames also moved to include gunpowder, but the motion was negatived. Mr. Parker, of Virginia, also proposed the insertion of a clause imposing a duty on the importation of slaves, of ten dollars for each person; but, after some debate, he withdrew his motion, on the suggestion of Mr. Madison, that it would be best to make this item the subject of a distinct bill. Mr. Smith, on the 14th, moved to add a clause, allowing a drawback of *ten per cent.* on the duty payable on all goods imported in American vessels, owned and navigated according to law, by citizens of the

United States; which was agreed to: ayes, 30; noes, 16. The bill was then reported with the amendments, which were agreed to by the House; and it was ordered that the bill, with the amendments, be engrossed for a third reading. On the 15th, the bill was read a third time, and, on motion, was ordered to be recommitted to a committee of the whole house, immediately. The house then resolved itself into committee on the bill, Mr. Page in the chair; and, after some time, the bill was again reported with several amendments, which were agreed to by the house. Mr.

Madison then moved further to amend the bill, by adding at the end thereof, a clause, limiting the time of its continuance, which brought on a renewed discussion of the policy and general principles of the bill, continuing through the greater part of that day and the next. Mr. Madison stated that the words he would propose, were: that this act should not continue and be in force longer than the ——— day of ———, unless otherwise limited by the act providing for the appropriation. Being thrown into its proper form, the amendment was—“*And be it further enacted, by the authority aforesaid—That this act shall be in force until the ——— day of ———, and from thence until the end of the next session of Congress, which shall happen thereafter.*” Mr. Lawrance required the ayes and noes on this question. Mr. Madison subsequently withdrew his motion, in order to intro-

Lloyd's  
Con. Reg.,  
vol. i. p.  
250—255.

Id. p. 291  
—304.

Id. p. 305  
—313.

H. Journal,  
p. 35, 36.

Lloyd's  
Con. Reg.,  
vol. i. p.  
316—344.

1st Congress.  
1st Session.

duce a substitute, that this act shall not continue in force after the ——— day of ———, unless otherwise provided in the act for the appropriation of the revenue. He expressed himself willing to fill the blank with a more distant day than had been intended. The latter part of the clause was objected to; and, after a division of the question, at the requisition of Mr. Smith, of South Carolina, that part was stricken out. The question then stood as it was originally introduced by Mr. Madison, as follows—*“And be it further enacted, by the authority aforesaid—That this act shall continue and be in force, until the ——— day of ———, and from thence until the end of the next succeeding session of Congress, which shall happen thereafter.”* The previous question was then demanded by five members: *“Shall the main question be now put?”* And, on this question, it was determined in the affirmative. And then the main question, that the House do agree to the amendment, was put, and decided in the affirmative, by the following vote:—

Agreed to. *Ayes*—Messrs. Baldwin, Benson, Bland, Burke, Carroll, Coles, Contee, Fitzsimons, Floyd, Gale, Gerry, Gilman, Goodhue, Griffin, Grout, Hathorn, Heister, Huntington, Jackson, Lee, Leonard, Livermore, Madison, jr., Moore, Muhlenberg, Page, Parker, Partridge, Van Rensselaer, Seney, Scott, Smith, of Maryland, Smith, of South Carolina, Sturges, Silvester, Trumbull, Tucker, Vining, Wadsworth, White, Wynkoop.—41. H. Journal, p. 36, 37.

*Noes*—Messrs. Ames, Boudinot, Cadwalader, Clymer, Lawrence, Sherman, Sinnickson, Thatcher.—8.

Bill passed  
by House.

The bill was then engrossed, read a third time, and passed.

In the Senate, the bill was read a first time on the 18th; and, on the question of its second reading, the Senate were occupied on the 25th, 28th, 29th, and on the 1st, 2d, 3d, 4th, 5th, and 8th of June; when it was agreed that Messrs. Ellsworth, Morris, Lee, Butler, and Dalton, should be a committee to consider and report the expediency of adding a clause, prohibiting the importation of goods from China or India, in ships or vessels, other than those belonging to the citizens of the United States. On the 9th, the bill was ordered to a third reading, on the following Wednesday; and, on the 10th and 11th, the bill was read a third time, and concurred in with the following amendments:— S. Journal, p. 27—32.

Amend-  
ments of  
the Senate.

*“Page 1, line 1. At A insert, ‘for the discharge of the debts of the United States.’”*

*“Line 3. Strike out ‘Congress,’ and insert ‘Senate and Representatives;’ and, after the words ‘United States,’ insert, ‘of America, in Congress assembled.’”*

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1st Session.

Amend-  
ments of  
Senate.

" *Line 4.* Expunge 'fifteenth day of June,' and insert, 'first day of July.'

" *Line 7.* Strike out the words following: 'On all distilled spirits, of Jamaica proof, imported from the European dominions of any state or kingdom, having a commercial treaty with the United States, per gallon, 12 cents.'

"On all other distilled spirits, imported from the European dominions of such state or kingdom, per gallon, 10 cents.

" *Line 10.* Strike out the word 'other.'

" ——— 11. Strike out '15,' and insert '10.'

" ——— 12. Strike out '12,' and insert '8.'

" ——— 13. Strike out '5,' and insert '3.'

" ——— 14. Strike out '25,' and insert '18.'

" ——— 15. Strike out '15,' and insert '10.'

" ——— 16. Strike out '8,' and insert '5.'

" ——— 17. Strike out '25,' and insert '16.'

" *Page 2, lines 1 and 2.* Strike out '75,' and insert '60.'

" ——— 4. Strike out '200,' and insert '150.'

" ——— 10. At B, insert, 'On Indigo, per pound, 16 cts.'

" ——— 11. Strike out '3,' and insert '1.'

" ——— 15. At E, insert, 'or in ships or vessels built in foreign countries; and on the sixteenth day of May last, wholly the property of a citizen or citizens of the United States, and so continuing until the time of importation.'

" *Page 2, line 19.* Strike out '10,' and insert '12.'

" ——— 20. Strike out the words following: 'On all teas, imported from any country other than China or India, in any ship or vessel whatsoever, or from China or India in any ship or vessel which is not wholly the property of a citizen or citizens of the United States, as follows:—

" 'On Bohea tea, per pound, ten cents.

" 'On all Souchong, and other black teas, per pound, fifteen cents.

" 'On all Hyson teas, per pound, thirty cents.

" 'On all other green teas, per pound, eighteen cents.'

"And insert, 'On all teas imported from Europe, in ships or vessels built in the United States, and belonging wholly to a citizen or citizens thereof, or in ships or vessels built in foreign countries; and on the sixteenth day of May last, wholly the property of a citizen or citizens of the United States, and so continuing until the time of importation, as follows:—

" 'On Bohea tea, per pound, eight cents.

" 'On all Souchong, and other black teas, per pound, thirteen

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ments of  
Senate.

" On all Hyson teas, per pound, twenty-six cents.

" On all other green teas, per pound, sixteen cents.

" On all teas imported in any other manner than as above-mentioned, as follows:—

" On Bohea tea, per pound, fifteen cents.

" On all Souchong, and other black teas, per pound, twenty-two cents.

" On all Hyson teas, per pound, forty-five cents.

" On all other green teas, per pound, twenty-seven cents.

" On all goods, wares, and merchandises, other than teas, imported from China or India, in ships not built in the United States, and not wholly the property of a citizen or citizens thereof, nor in vessels built in foreign countries, and, on the 16th day of May last, wholly the property of a citizen or citizens of the United States, and so continuing until the time of importation, twelve and a half *per centum ad valorem*.

" At C, insert 'On gunpowder,' and 'on all paints ground in oil, ten *per centum ad valorem*.'

" Line 32, strike out '7½,' and insert '10.'

" And in the same line, strike out 'of metal.'

" At K, insert 'on shoe and knee buckles, ten *per centum ad valorem*.'

" Page 2, lines 33 and 34, strike out '7½,' and insert '10.'

" Page 3, lines 1, 2, 3, 6, 9, 10, strike out '7½,' and insert '10.'

" At L, insert 'on gold and silver lace, on gold and silver leaf, ten *per centum ad valorem*.'

" 'And that all the articles dutied *ad valorem*, be arranged together under their respective rates.'

" At M, insert 'on playing cards, per pack, ten cents.'

" Line 17, after 'wool,' insert 'cotton,' and strike out the words 'other than indigo.'

" Line 21, insert after sixty cents, 'and on cotton, per pound, three cents.'

" Page 4, line 1, strike out the following words: '*And be it further enacted, by the authority aforesaid—That there shall be allowed* H. Journal, P. 34.  
and paid on every gallon of rum distilled within the United States, and exported beyond the limits of the same, in consideration of the duty on the importation of the molasses from which the said rum shall have been distilled, six cents.'

" Page 3, line 23, at N, insert 'except on distilled spirits, other than brandy and Geneva.'

" Line 25, at O, insert, 'as settled by the late treaty of peace.'

at Congress. at Session. "Page 4, line 7, at P, insert 'or in vessels built in foreign countries, and, on the 16th day of May last, wholly the property of a citizen or citizens of the United States, and so continuing, until the time of importation.'"

Amend-  
ments of  
Senate.

On the 15th and 16th of June, the House considered the amendments made by the Senate, and adopted a resolution, in the following form:—

House a-  
gree to  
same. "Resolved—That this house doth agree to the first, eighth, ninth, tenth, sixteenth, eighteenth, nineteenth, twentieth, twenty-first, twenty-third, thirty-first, thirty-third, thirty-fourth, thirty-fifth, thirty-sixth, thirty-seventh, thirty-eighth, thirty-ninth, and fortieth amendments. H. Journal, p. 48, 49.

Disagree  
o others. "And doth disagree to the second fourth, fifth, sixth, seventh, eleventh, twelfth, thirteenth, fourteenth, fifteenth, seventeenth, twenty-second, twenty-fourth, twenty-fifth, twenty-sixth, twenty-seventh, twenty-eighth, twenty-ninth, thirtieth, and thirty-second amendments."

The third amendment was then agreed to with an amendment, by striking out the word "July" proposed to be inserted by the Senate, and inserting, in lieu thereof, the word "August."

Senate in-  
sist on  
same. On the 18th and 19th, the Senate resumed the consideration of the subject, and insisted on their second, fourth, fifth, sixth, seventh, eleventh, twelfth, and seventeenth amendments, and receded from their third, thirteenth, fourteenth, fifteenth, twenty-second, twenty-fourth, twenty-fifth, twenty-sixth, twenty-seventh, twenty-eighth, twenty-ninth, thirtieth, and thirty-second amendments. S. Journal, p. 35.

Recede  
from  
there.

The House of Representatives, on the 24th, considered the message sent from the Senate, and receded from their disagreement to the second amendment, agreeing to that amendment, with an amendment, by inserting after the words, "*Senate and*," the words "*House of*." The house insisted on their disagreement to the fourth and fifth amendments to the bill; and requested a conference with the Senate, on the subject matter of the sixth, seventh, eleventh, twelfth, and seventeenth amendments; appointing Messrs. Boudinot, Fitzsimons, and Madison, to be managers on the part of the House. H. Journal, p. 53.

House de-  
cise a con-  
ference.

On the 25th, the Senate deliberated upon the decision of the House, and so far receded from their second amendment, as to concur in the modification which had been made by the House. S. Journal, p. 36.  
The following resolution was at the same time adopted:—

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Senate agree to a conference.

*“Resolved—*That the Senate do still *insist* on the fourth and fifth amendments, but have agreed to the proposed conference; and have charged their managers to confer with those of the House of Representatives, as well on the said fourth and fifth amendments, as on the other amendments, on which the House of Representatives have requested a conference; and the Senate request that the House of Representatives will also charge their managers to confer with those of the Senate, on the said fourth and fifth amendments; and that Mr. Morris, Mr. Lee, and Mr. Ellsworth, be the managers on the part of the Senate.”

S. Journal,  
p. 37.

Mr. Morris in the Senate, and Mr. Boudinot in the House, made a report from the managers on the 27th. The House immediately proceeded to act upon the report, and receded from their disagreement to the fourth, fifth, sixth, seventh, eleventh, twelfth, and seventeenth amendments, agreeing to these several amendments, with the following amendments to the twelfth and seventeenth amendments:—

H. Journal,  
p. 54, 55.

Difference adjusted.

“In the twelfth amendment, strike out ‘*sixteen,*’ and insert ‘*twenty.*’

“In the seventeenth amendment, strike out ‘*one,*’ and insert ‘*two.*’”

This decision having been communicated to the Senate, that body so far receded from their twelfth and seventeenth amendments, as to concur in the modifications of them made by the House of Representatives.

Bill imposing duties on tonnage.

In the mean time, Mr. Wadsworth, from the committee appointed on the 7th of May, presented a bill imposing duties on tonnage, which received its first reading on the 25th, and was read a second time and committed on the following day. On the 27th, the bill was considered and amended in committee of the whole, and on the 28th the amendments were agreed to, and the bill was ordered to be engrossed for a third reading. On

Id. p. 41.

Passed in House.

the 29th of May, the bill was read a third time and passed in the House. The bill did not receive its first reading in the Senate until the 9th of June, the tariff bill being under discussion. It was taken up on its second reading, and discussed on the 15th and 16th of June. And on the 19th, the bill was read a third time and concurred in with the following amendments:—

S. Journal,  
p. 32, 34.

Amendments in Senate.

“*Line 1.* Strike out ‘the Congress of the United States,’ and insert ‘the Senate and Representatives of the United States of America, in Congress assembled.’

“*Line 4.* Strike out at A, ‘now belonging,’ and insert ‘on



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ments in  
Senate.

the 29th day of May, 1789, belonging; and during the time such ships or vessels shall continue to belong.'

" *Lines 5, 6, 7.* Strike out from C to D; namely: 'On all ships,' &c., and insert 'on all ships or vessels hereafter built in the United States, belonging wholly or in part to subjects of foreign powers, at the rate of 20 cents per ton.'

" *Line 7.* Next after the words 'on all,' insert 'other.'

" — 8. Strike out from E to F; namely: 'Belonging wholly or in part to subjects of other powers.' S. Journal,  
p. 35.

" *Lines 9 and 10.* Strike out from G to H; namely: 'On all ships,' &c.

" *Line 14.* Strike out 'no,' and 'shall be,' and insert 'every.'

" — 17. Insert after 'citizens thereof,' 'shall on each entry pay fifty cents per ton.'

" *Line 19.* Strike out 'June,' and insert 'July.'"

The House of Representatives considered these amendments on the 24th, and determined to agree to the first, second, and ninth amendments, the first and ninth to be amended as follows:—

"In the first amendment, after the words 'Senate and,' insert 'House of.' " H. Journal,  
p. 53.

"In the ninth amendment, strike out the word 'July,' and insert 'August.'"

House dis-  
agree to  
some a-  
mend-  
ments.

The House, at the same time, disagreed to the third, fourth, fifth, sixth, seventh, and eighth amendments to the bill; desired a conference with the Senate upon the subject matter of these amendments, and appointed Messrs. Boudinot, Fitzsimons, and Madison, to be managers on the part of the House.

Confer-  
ence.

The Senate, on the 25th, concurred in the modifications proposed by the House of Representatives in their first and ninth amendments, and appointed Messrs. Morris, Lee, and Ellsworth, to be a committee to confer with the committee of the House upon the disagreement of the two houses on the other amendments. S. Journal,  
p. 37.

Mr. Boudinot made a report from the managers on the 27th, when the House receded from their disagreement to the third, seventh, and eighth amendments, agreeing to these amendments, with the following amendment to the third; namely: in lieu of striking out the clause, as proposed by the Senate, to retain the same, and to add to the end thereof, the words proposed to be inserted by the Senate, amended to read thus: "On all ships or vessels, hereafter built in the United States, belonging wholly, or in part, to subjects of foreign powers, at the rate of thirty cents

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1st Session. per ton. The House also *insisted* on their disagreement to the fourth, fifth, and sixth amendments.

On the 30th, the Senate resolved to *adhere* to their third, fourth, fifth, and sixth amendments, but so far to concur in the amendment of the House in the third amendment, as to agree to the insertion of the words proposed by that house. S. Journal,  
p. 38.

The question came again before the House of Representatives on the 1st of July, when it was moved to recede from the disagreement to the different amendments, to which the Senate had adhered. And this motion was decided in the affirmative, by the following vote:— H. Journal,  
p. 56, 57.

Passed.

*Ayes*—Messrs. Ames, Baldwin, Benson, Burke, Cadwalader, Fitzsimons, Gerry, Gilman, Goodhue, Hathorn, Huntington, Jackson, Lawrance, Lee, Livermore, Mathews, Moore, Partridge, Sedgwick, Sherman, Sinnickson, Smith, of Maryland, Smith, of South Carolina, Stone, Silvester, Thatcher, Trumbull, Tucker, Wadsworth, White, Wynkoop.—31.

*Noes*—Messrs. Boudinot, Brown, Carroll, Clymer, Coles, Contee, Griffin, Grout, Hartley, Madison, jr., Muhlenberg, Page, Parker, Van Rensselaer, Scott, Seney, Sturges, Sumpter, Vining.—19.

Bill for collecting duties. In pursuance to an order of the House of Representatives, on the 8th of May, Mr. Gerry, from the committee appointed on the 11th of April, presented a bill for collecting duties on goods, wares, and merchandises, imported into the United States, which was read a first time. On the next day, it received its second reading, and was committed to a committee of the whole house. Id. p. 31.

On the 18th, the bill was taken up in committee, when it was opposed by Mr. Lawrance, Mr. Huntington, Mr. Jackson, and Mr. Vining, as inadequate, unconstitutional, imperfect, and unfit for the purposes for which it was intended. Mr. Vining expressed a hope that the committee would rise, as the best mode of getting rid of the bill. This was agreed to, when Mr. Page, the chairman, said he was at a loss to make a regular report, as the committee had given no particular instructions; but, the truth was, they desired to have nothing more to do with the bill. The committee then rose, and the chairman reported that, according to order, they had had the bill under consideration, and gone through the same, and made no amendment thereto. The bill was then ordered to lie on the table; and there it was suffered to remain. Id. p. 37.  
Lloyd's  
Con. Reg.,  
vol. i. p.  
345, 346.

Laid on table.

Bill to regulate the collection of duties. On the 27th of May, Mr. Fitzsimons, from the same committee, presented a bill to regulate the collection of duties imposed H. Journal,  
p. 41.

- on goods, wares, and merchandises, imported into the United States, which was then read a first time. It received its second reading on the 29th, and was committed. The bill was considered in committee on the 1st, 2d, 3d, 4th, 5th, 9th, 10th, 11th, 12th, and 13th of June, and on the last named day, the committee of the whole were discharged from the further consideration of the bill, and it was referred to a special committee, consisting of Messrs. Goodhue, Fitzsimons, Lawrance, Jackson, Burke, Livermore, and Sherman.
- On the 29th of June, Mr. Goodhue, from this committee, reported that the committee had prepared an entire new bill, as an amendment and substitute to the former bill, which was read and committed to a committee of the whole house. The bill was considered in committee on the 2d, 3d, 6th, 7th, 8th, 9th, and 10th of July; and, on the last named day, the committee reported various amendments, which, on the 11th, were again amended; and the bill was ordered to a third reading. And, on the 14th, the blanks being filled up, the bill was passed, with the following title: "An act to regulate the collection of the duties imposed by law on the tonnage of ships or vessels, and on goods, wares, and merchandises, imported into the United States."
- The Senate ordered the bill to be read a first time on the 15th, and to receive its second reading on the 17th. The bill, on its second reading, however, was not taken up until the 20th, when, after debate, it was committed to Messrs. Morris, Langdon, Carroll, Dalton, and Lee, to report such additions and alterations as they may judge requisite. The bill was again discussed on the following day; and, on the 23d, it was again taken up, and it was then moved to expunge the clause, providing, "that oaths shall be administered to the master, or other persons having the charge or command of any ship or vessel," and to substitute the words, "and the owner's and master's declaration, with penalties for false entry;" but the motion was determined in the negative. The bill received its third reading on the 27th, and was concurred in with the amendments which are subjoined.
- "Page 1, line 4. After 'law,' strike out 'upon,' and insert 'on the tonnage of ships and vessels, and on.'"*
- "Line 25. After 'Medford,' insert 'Cohasset.'"*
- "Page 4, line 9. After 'also,' strike out 'a,' and insert 'two.' Strike out 'to reside at the city of Hudson,' and insert—"*
- "Line 10. 'One to reside at the city of Albany, and the other at the city of Hudson.'"*

H. Journal,  
p. 43—48.Id. p. 55—  
59.

Id. p. 60, 61.

S. Journal,  
p. 42, 43.

Id. p. 44.

Id. p. 45.

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ments of  
Senate.

" *Line 13.* After 'Burlington, and,' strike out 'Greenwich,' and insert 'Bridgetown.'

" *Line 24.* Strike out 'Greenwich,' and insert 'Bridgetown.'

" — 27. After 'Salem,' insert 'Port Elizabeth, or,' and after 'Maurice river,' insert 'Stillwell's landing on.'

" *Line 28.* Strike out 'Greenwich,' and insert 'Bridgetown.'

" *Page 5, line 5.* After 'annexed,' insert 'Newcastle, and,' Strike out 'a' after 'as,' and insert 's' after 'port,' in the second place.

" *Line 11.* After 'river shall be,' strike out 'constituted.'

" — 12. After 'Baltimore,' insert 'which shall be the sole port of entry.'

" *Line 15.* Strike out 'constituted.'

" — 16. After 'Chester,' insert 'which shall be the sole port of entry.'

" *Line 17.* After 'inclusive,' insert 'and Cambridge shall be a port of delivery only.'

" *Line 18.* After 'Oxford,' insert 'which shall be the sole port of entry.'

" *Line 20.* After 'inclusive,' insert 'and Salisbury shall be a port of delivery only.'

" *Line 21.* After 'Vienna,' insert 'which shall be the sole port of entry.'

" *Line 24.* Strike out 'constituted.'

" — 25. After 'Snow-Hill,' insert 'which shall be the sole port of entry.'

" *Page 6, line 11.* Strike out 'ten,' and insert 'twelve.' After 'to wit,' insert 'Hampton, as one port.'

" *Line 12.* After 'Tappahannock,' insert 'Yeocomico river, including Kinsale.'

" *Line 13.* After 'Louisville,' insert 'the authority of the officers at Hampton shall extend over all the waters, shores, bays, harbours, and inlets, between the south side of the mouth of York river, along the west shore of Chesapeake Bay to Hampton, and thence up James' river to the west side of Chicahomony river, and a collector shall be appointed to reside at Hampton, which shall be the sole port of entry.'

" *Line 16.* Strike out 'the point of landing forming the south shore at the mouth of York river, thence up to Hampton,' and insert 'the mouth of James' river.'

" *Line 17.* Strike out 'including both shores thereof,' after 'James' river.'

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ments of  
Senate.

"Line 19. Strike out 'or Portsmouth, as the secretary of the treasury shall direct.'

"Line 20. Strike out 'Hampton.'

"Page 7, line 8. Strike out 'to the district of Dumfries, including Newport, shall be annexed Yeocomico river, including Kinsale, as a port of delivery only; and a collector for the district shall be appointed to reside at Dumfries, which shall be the sole port of entry; also, a surveyor to reside at Barren point, on Yeocomico river, and the authority of the officers of the said district shall extend over all the waters, shores, bays, harbours, and inlets, comprehended on the south side of Potomac river, from Smith's point to Cockpit point, on the said river,' and insert 'the district of Yeocomico river, including Kinsale, shall extend from Smith's point, on the south side of Potomac river, to Boyd's Hole, on the same river, including all the waters, shores, bays, rivers, creeks, harbours, and inlets, along the south shore of Potomac river, to Boyd's Hole aforesaid; and Yeocomico, including Kinsale, shall be the sole port of entry, and a collector shall be appointed to reside on Yeocomico river. The district of Dumfries, including Newport, shall extend from Boyd's Hole to Cockpit point, on the south side of Potomac river; and a collector shall be appointed to reside at Dumfries, which shall be the sole port of entry; and the authority of the officers of this district shall extend over all the waters, shores, bays, harbours, and inlets, comprehended between Boyd's Hole and Cockpit point, aforesaid.'

S. Journal,  
p. 46.

"Page 8, line 14. After 'Jekeyl Island,' insert, 'Frederica shall be a port of delivery only.'

"Line 21. Strike out 'constituted.'

"— 27. After 'Wilmington,' insert 'New Castle and Port Penn.'

"Line 28. After 'Georgetown,' insert 'on Potomac.'

"— 29. Strike out 'or,' and insert 'and.'

"Page 9, line 4. Strike out 'any port or place in India or China, or beyond.'

"Line 5. Insert, after 'Cape of Good Hope,' 'or from any place beyond the same.'

"Line 8. After 'Delaware,' insert 'Baltimore town.'

"— 12. Strike out 'and,' and insert 'or.'

"— 16. Strike out ('except the port of Hampton, in the said district.')

"Line 21. Strike out 'Hampton.'

"— 27. After 'or,' insert 'the collector.'

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Senate.

"Page 10, line 5. After 'Portsmouth,' insert, 'or with the collector for the port of Hampton.'

"Line 15. Strike out 'making the same.'

"— 18. After 'of goods,' insert, 'to employ proper persons as weighers, gaugers, measurers, and inspectors, at the several ports within his district, together with such persons as shall be necessary to serve in the boats which may be provided, for securing the collection of the revenue: to provide, at the public expense, and with the approbation of the principal officer of the treasury department, store-houses, for the safe keeping of goods; together with such scales, weights, and measures, as shall be deemed necessary.'

"Line 22. Strike out 'and jointly with him to employ proper persons as weighers, gaugers, measurers, and inspectors, at the several ports within their district, together with such persons as shall be necessary to serve in the boats which may be provided for securing the collection of the revenue: to provide, at the public expense, and with the approbation of the principal officer of the treasury department, store-houses for the safe keeping of goods; together with such scales, weights, and measures, as shall be deemed necessary.'

"Page 11, line 6. After 'naval officer,' insert—*And be it further enacted*—That every collector, appointed in virtue of this act, in case of his necessary absence, sickness, or inability to execute the duties of his office, may appoint a deputy, duly authorized under his hand and seal, to execute and perform, in his behalf, all and singular the powers, functions, and duties of collector of the district to which he, the said principal, is attached, who shall be answerable for the neglect of duty, or other malconduct of his said deputy, in the execution of the office.'

"*And be it further enacted*—That in case of the disability or death of any collector, the duties and authorities vested in him by this act, shall devolve on his deputy, if any such hath been appointed, (for whose conduct the estate of such disabled or deceased collector shall be liable,) and the said deputy shall exercise the authority, and perform all the duties, until a successor shall be appointed. But in cases where no deputy is appointed, the authorities and duties of the disabled or deceased collector shall devolve upon the naval officer of the same district, until a successor, duly authorized and sworn, shall enter upon the execution of the duties of the said office.'

"Line 9. After 'port,' strike out, 'and the surveyor shall, in like manner, execute all the duties required of other surveyors.'

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Senate.

" *Line 25.* After 'informer,' insert, 'and no weigher, gauger, measurer, or inspector, shall execute the duties of his office, until he shall have taken the above oath or affirmation.'

" *Page 12, line 7.* After 'is bound,' insert, 'and the name or names of the person or persons to whom the goods are consigned; or, in cases where the goods are shipped to order, the names of the shippers, noting the goods consigned to their orders.'

" *Line 19.* After 'authorized,' insert 'and required.'

" — 27. After 'ship or vessel,' insert 'but in open day, or.'

" — 30. Strike out 'and if he be a pilot or officer of the customs.'

" *Page 13, line 1.* After 'years,' insert, 'and it shall be the duty of the collector of the district to advertise the names of all such persons in the public gazette of the state in which he resides, within twenty days after each respective conviction.'

" *Line 19.* Strike out 'credible witness,' and insert 'reputable citizens of the neighbourhood, but acquainted with matters of that kind.'

" *Line 21.* Strike out 'within eight days next after the arrival of such ship or vessel.' S. Jour  
p. 47.

" *Line 24.* Strike out 'exact.'

" — 27. Strike out 'thereon, and insert 'on the said entry.'

" *Page 14, line 3.* Strike out 'thirty,' and insert 'ten.'

" *Line 25.* Strike out 'port,' and insert 'district, or to such person as he shall authorize or appoint, on his behalf, to receive the said goods.'

" *Line 26.* Strike out 'goods,' and insert 'packages, with their marks and numbers.'

" *Page 15, line 1.* After 'discharged,' insert—' *Provided, always*—That the said limitation of fifteen days shall not extend to vessels laden with salt or coal; but, if the master or owner of such vessels require longer time to discharge their cargoes, the wages of the inspector, for every day's attendance exceeding the said fifteen days, shall be paid by the master or owner.'

" *Line 24.* Strike out 'from India or China,' and insert 'from any place beyond the same.'

" *Line 25.* Strike out 'of packages and commissions.'

" *Page 16, line 9.* Strike out 'one hundred,' and insert 'fifty.'

" *Line 14.* Strike out 'sufficient in,' and insert 'of double the.'

" *Line 21.* Strike out 'one hundred,' and insert 'fifty.'

" — 27. After 'clear out,' insert 'the register of which

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ship or vessel, at the time of entry, shall be lodged in the office of the collector, and there remain until such clearance.'

" *Page 18, line 5.* After 'equal to,' insert 'double.'

" *Line 11.* After 'by any,' insert 'judge or.'

" — 21. After 'that is to say,' strike out 'every collector, in the sum of five thousand dollars; every naval officer, in the sum of one thousand dollars; and every surveyor, in the sum of one thousand dollars;' and insert, 'the collector of Philadelphia, in the sum of sixty thousand dollars; the collector of New York, fifty thousand dollars; the collector of Boston, forty thousand dollars; the collectors of Baltimore town and Charleston, thirty thousand dollars; the collectors of Norfolk and Portsmouth, fifteen thousand dollars; the collectors of Portsmouth, in New Hampshire, of Salem and Beverly, Wilmington, Annapolis, Georgetown, in Maryland, Bermuda Hundred and City Point, and Alexandria, ten thousand dollars each; the collectors of Newburyport, Gloucester, Marblehead, Plymouth, Nantucket, Portland and Falmouth, New London, New Haven, Fairfield, Perth Amboy, Chester, Oxford, Yorktown, Dumfries, Georgetown, in South Carolina, Beaufort, and Savannah, each five thousand dollars; and all the other collectors in the sum of two thousand dollars each. The naval officers for the ports of Boston, New York, Philadelphia, Baltimore town, and Charleston, ten thousand dollars each; and all the other naval officers, in the sum of two thousand dollars each. The surveyors of the ports of Boston, New York, Philadelphia, Baltimore town, and Charleston, five thousand dollars each, and all other surveyors one thousand dollars each.'

" *Page 18, line 24.* After 'vessel,' strike out 'which is not wholly the property of a citizen or citizens of the United States, six dollars; for every entrance of any other ship or vessel, of the burden of one hundred tons or upwards, arriving from any foreign port, four dollars; for every entrance of any such other ship or vessel, under the burden of one hundred tons, arriving from any foreign port, three dollars;' and insert 'of one hundred tons' burden and upwards, two dollars and a half; for every clearance of any ship or vessel, of one hundred tons' burden and upwards, two dollars and a half; for every entrance of any ship or vessel, under the burden of one hundred tons, one dollar and a half; for every clearance of a ship or vessel, under one hundred tons' burden, one dollar and a half.'

" *Line 3.* After 'bond,' strike out 'to secure the payment of duties,' and insert 'taken officially.'



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*"Line 4.* After 'thirty cents,' insert 'for every official certificate, twenty cents; for every bill of health, twenty cents; for every other official document, registers excepted, required by the owner or master of every vessel not before enumerated, twenty cents.'

S. Jour  
P. 48.

*"Line 6.* Strike out 'a common,' and insert 'an office to be provided by the collector, in the place of his residence, most convenient for the trade of the district in which the said collector and naval officer shall each have at least one separate room.'

*"After 'office,'* insert 'and the said fees shall be received by the collector, who shall settle the accounts monthly, and pay to the naval officer the balance which may be due to him on such monthly settlement.'

*"Page 19, line 7.* Strike out 'any ship or vessel which is not wholly the property of a citizen or citizens of the United States, and having on board goods, wares, or merchandise, subject to duty, four dollars; for the like services on board any other such ship or vessel, two dollars; for the like services on board any ship or vessel, wholly belonging to a citizen or citizens of the United States, and having on board goods, wares, and merchandise, subject to duty, three dollars; for the like services on board every other ship or vessel, one dollar;' and insert 'any ship or vessel of one hundred tons and upwards, and having on board goods, wares, and merchandise, subject to duty, three dollars; for the like services on board any ship or vessel of less than one hundred tons' burden, having on board goods, wares, and merchandise, subject to duty, one dollar and a half; on all vessels not having on board goods, wares, and merchandise, subject to duty, two-thirds of a dollar.'

*"Line 12.* After 'shall be paid,' insert 'to the collector.'

*"— 13.* After 'performed,' insert 'and the said collector shall pay weekly to the surveyor the fees so received.'

*"Line 16.* After 'paid by,' strike out 'owners thereof,' and insert 'collector,' 'out of the revenue.'

*"Line 18.* Strike out 'two cents,' and insert 'one cent.'

*"Page 20, line 25.* After 'such goods,' insert 'a protest in due form of law, made by the master and mate, or some of the seamen, or in case no such protest can be had.'

*"Page 21, line 19.* After 'recompense,' insert 'for conniving.'

*"Line 20.* Strike out 'with intent to elude the payment of any debt, or the performance of any duty established by law.'

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" *Line 24.* Strike out 'the sum of one hundred,' and insert 'a sum not less than two hundred nor more than two thousand.' "

" *Page 22, line 15.* After 'merchandise and,' insert 'shall give bond to.' "

" After 'thereof,' insert 'and to refund the cost, in case he shall not support his claim.' "

" *Page 23, line 9.* Strike out 'two,' and insert 'three.' "

" — *24, line 2.* Strike out 'of foreign,' and insert 'not of their own.' "

" *Line 10.* After the end of the paragraph, insert 'and all goods, wares, and merchandise, brought into the United States by land, contrary to this act, shall be forfeited, together with the carriages, horses, and oxen, that shall be employed in conveying the same.' "

House con-  
cur.

These amendments being communicated to the House of Representatives on the 28th, were immediately concurred in by that body. H. Journal, p. 67.

Importa-  
tion of  
slaves.

It has been already stated, during the discussion of the tariff bill, that Mr. Parker, of Virginia, moved to impose a tax of ten dollars on every slave imported, but withdrew his motion on the suggestion of Mr. Madison, that it would be better to make this the subject of a separate bill. Accordingly, on the 18th of May, on motion of Mr. Parker, leave was given by the House of Representatives to bring in a bill concerning the importation of certain persons into the United States, prior to the year 1808, and Messrs. Parker, Sinnickson, and Muhlenberg, were appointed a committee to prepare the same. On the 19th of September, Mr. Parker, from this committee, presented a bill, conforming in its title to the instruction given by the House. This bill was read a first time, and its further consideration was then postponed until the next session of Congress. Nothing further was done with this bill. Id. p. 37.

Petitions  
for repeal  
or suspen-  
sion of pro-  
visions of  
collection  
and ton-  
nage acts.

Soon after the collection and tonnage bills went into operation, they were discovered to act unequally and oppressively on some districts, and the consequence was, that memorials came in from various quarters, praying for modifications, and a suspension of the odious features. The merchants of Alexandria and Dumfries, in Virginia; of Georgetown, Bladensburg, and Piscataway, in the state of Maryland, prayed Congress that so much of the act to regulate the collection of duties, as restricts ships or vessels bound up the river Potomac, to stop at Saint Mary's or Yeocomico, and there obtain a certified manifest of their cargoes Id. p. 89.

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before entry made, be repealed, or that the like regulation be made general throughout the United States. A petition was also presented from the commanders of packets plying between Providence and Newport, in Rhode Island, praying that so much of the act as subjects ships or vessels of that state to the same tonnage as is imposed on foreign ships or vessels, may be suspended until the first day of December next. Petitions, similar in their import, from Providence, Newport, Bristol, Warren, and Barrington, in Rhode Island; and others from other quarters, were also presented. These complaints were referred to a committee, consisting of Messrs. Goodhue, Carroll, and Lee, to whom Mr. Bland was afterwards added. In relation to the Potomac restriction, Mr. Goodhue made a report on the 26th of August, which report was taken up on the 28th, for consideration, and was agreed to, in the following amended form:—

H. Jour  
p. 92.

Id. p. 11

Id. p. 9  
92.

“That so much of the act, entitled ‘An act to regulate the collection of duties imposed by law on the tonnage of ships or vessels, and on goods, wares, and merchandises imported into the United States,’ as obliges vessels bound up the Potomac, to stop at St. Mary’s or Yeocomico, to report a manifest of their cargoes, ought to be suspended.’”

Bill to suspend provision of collection act.

Messrs. Goodhue, Carroll, and Lee, were then instructed to prepare and bring in a bill pursuant to this report. And on the same day, Mr. Goodhue presented a bill to suspend part of an act, entitled “An act to regulate the collection of the duties imposed by law on the tonnage of ships or vessels, and on goods wares, and merchandises, imported into the United States,” which then received its first reading. The bill was read a second time on the following day; and, on the 31st, after its third reading, it was committed to Messrs. Goodhue, Carroll, Lee, and Bland, with an instruction to insert a clause, or clauses, for establishing Bath and Frenchman’s Bay, in the state of Massachusetts, ports of delivery for all foreign vessels. On the 2d of September, the bill was reported with the amendment, and on the 3d, it was read a third time and passed. In the Senate, the bill was read a first time on the 7th, a second time on the 10th, and, on the 11th, was committed to Messrs. Morris, Dalton, and Ellsworth; and this committee, on the next day, reported the following amendment to the bill:—

Id. p. 9

Id. p. 9

Id. p. 96.

S. Jour  
p. 73.  
79.

Senate amendment.

“*Be it further enacted*—That all the privileges and advantages to which ships and vessels, owned by citizens of the United States, are by law entitled, shall be, until the fifteenth day of

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amend-  
ment.

January next, extended to ships and vessels wholly owned by citizens of the states of North Carolina, and Rhode Island and Providence Plantations: *Provided*—That the master of every such ship or vessel, last mentioned, shall produce a register for the same, conformable to the laws of the state in which it shall have been obtained, showing that the said ship or vessel is, and before the first day of September instant, was, owned as aforesaid; and make oath or affirmation, before the collector of the port in which the benefit of this act is claimed, that the ship or vessel for which such register is produced, is the same therein mentioned, and that he believes it is still wholly owned by the person, or persons, named in said register, and that he or they are citizens of one of the states aforesaid.

*“And be it further enacted*—That all rum, loaf sugar, and chocolate, manufactured or made in the states of North Carolina, or Rhode Island and Providence Plantations, and imported or brought into the United States, shall be deemed and taken to be subject to the like duties, as goods of the like kinds, imported from any foreign state, kingdom, or country, are made subject to.

*“And be it further enacted*—That Rehoboth, in the state of Massachusetts, shall be a port of entry and delivery, until the fifteenth day of January next, and that a collector be appointed for the same.”

Several petitions of the citizens of the state of Rhode Island, and North Carolina, praying for the relief proposed by this bill, were then read. The bill was amended by adding to it the clauses reported by the committee, and by striking out the word “August,” in the eighth line, and substituting “May,” and by adding to the title, the words, “and for other purposes,” and was then passed. The amendments were agreed to by the House of Representatives, without opposition.

Bill passed  
in Senate.Bill to sus-  
pend the  
operations  
of part of  
the ton-  
nage acts.

Rejected.

Bill to a-  
mend col-  
lection act.

Mr. Goodhue, also, from the same committee, presented, on the 9th of September, a bill for suspending the operations of part of an act, entitled “An act imposing duties on tonnage,” which was then read a first time, and was passed through its remaining stages on the two next succeeding days. On the 11th, the bill was read twice in the Senate, and committed to Messrs. Morris, Dalton, and Ellsworth, who made a verbal report thereupon on the 12th, when the Senate adopted a resolution not to concur with the House in this bill.

From the same committee, on the 17th of September, Mr. Goodhue presented a bill for amending part of an act, entitled

S. Journal,  
p. 79, 80.H. Journal,  
p. 110.Id. p. 105—  
107.S. Journal,  
p. 78—80.H. Journal,  
p. 112, 113.

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"An act to regulate the collection of the duties imposed by law on the tonnage of ships or vessels, and on goods, wares, and merchandises, imported into the United States," which received its first reading on that day, and was read a second and third time on the 18th and 19th. On the last named day, the bill received its two first readings in the Senate, and was ordered to a third reading. On the 26th, the bill was taken up for its third reading, when it was committed to Messrs. Read, Morris, and Dalton. On the 28th, Mr. Read, from this committee, made a report adverse to the bill, which was then rejected by the Senate.

S. Journal,  
p. 82.

Id. p. 90.

Id. p. 91.

Bill rejected  
by Senate.

2d Session.

Petition  
from Alex-  
andria.Bill con-  
cerning  
tonnage  
duties.Saddler's  
petition.referred to  
committee.

On the 3d of May, 1790, a petition from the merchants, &c., of Alexandria, was presented to the House of Representatives, praying the repeal of so much of the "Act to regulate the collection of the duties imposed by law on the tonnage of ships or vessels, and on goods, wares, and merchandises, imported into the United States," as obliges ships, or vessels, bound up the river Potomac, to come to, and deposite manifests at Yeocomico; which petition was referred to Messrs. Goodhue, Lawrance, Boudinot, Fitzsimons, and Lee. And on the 22d of June, Mr. Goodhue presented a bill imposing duties on the tonnage of ships or vessels, which then received its first and second reading, and was committed. The bill was considered in committee, and reported with an amendment on the 23d; and on the following day it was passed. The bill was read a first time in the Senate, on the 24th; on the next day the second reading was postponed. On the 29th, the bill was read a second time, and committed to Messrs. Read, Dalton, and Morris. And on the 12th of July, the bill was reported by Mr. Read, without amendment, received its third reading, and was passed.

1790.

H. Journal,  
p. 207, 208.

Id. p. 247.

Id. p. 249,  
250.S. Journal,  
p. 165.

Id. p. 169.

Id. p. 177.

H. Journal,  
p. 137, 138.

Id. p. 143.

During the second session of the first Congress, it was found that further legislation on this subject was still necessary. On the 9th of January, 1790, a petition was presented to the house from Christopher Saddler, of Nova Scotia, praying to be relieved from the forfeiture of his vessel and cargo, which were seized in the port of Boston, for a violation of the impost law, of which he was wholly ignorant. This petition being referred to the secretary of the treasury, for his examination and opinion, a report from that officer was received and referred to a committee, consisting of Messrs. Ames, Sturges, Stone, Griffin, and Wynkoop, and it was directed that the secretary of the treasury should report "such information as he may have obtained respecting any difficulties which may have occurred in the execution of the se-

## CHAP. III.

## National Revenue—Imports, and Tonnage Duties.

1790.

|                              |  |   |
|------------------------------|--|---|
| 1st Congress.<br>2d Session. | veral laws for collecting duties on goods, wares, and merchandises, and on tonnage, &c." Mr. Ames, from the committee on Saddler's petition, made a report on the 26th of January, which   |   |
| Report.                      | was agreed to by the house, as follows:—"That, in the opinion of the committee, provision ought to be made by law, for the remission or mitigation of fines, forfeitures, and penalties, in certain cases;" and the same committee were appointed to prepare and bring in a bill, pursuant to the above report. In the mean time, petitions complaining of the operation of the collection laws  | H. Journal, p. 147.   |
| Bill to remit fines, &c.     | came in from many other quarters. On the same day, Mr. Ames presented a bill to provide for the remission or mitigation of fines, forfeitures, and penalties, in certain cases, which then received its first reading. The bill was read a second time, on the next day, and was committed to a committee of the whole house. On the 5th of February, the bill was considered in committee, and reported with an amendment, and the bill and amendment were then recommitted to the same committee. Mr. Ames, on the 3d of March, presented, from the committee, an amendatory bill, which was read a first time, received its second reading, and was committed on the following day; and, on the 5th, was considered in committee, and reported with an amendment, which being agreed to, the bill was ordered to its third reading, which it received on the following day of the session. In the Senate, the bill received its first reading on the 9th, and was considered on the 11th, when it was committed to Messrs. Morris, Izard, Strong, Henry, and Langdon. On the 15th, Mr. Morris reported several amendments, and the report was considered on the 17th, when the bill was again committed (the rules being dispensed with) to a special committee, consisting of Messrs. Read, Morris, Strong, Ellsworth, and Bassett. A report was made by this committee, on the 19th, which was accepted as an amendment to the bill, and with this amendment, the bill was passed. The House of Representatives, on the 24th, disagreed to the amendment of the Senate, and desiring a conference on the subject, appointed Messrs. Ames, Huntington, and Jackson, to be managers on the part of the House. The Senate agreed to the conference, and appointed Messrs. Strong, Ellsworth, and Read, to be managers on their part. Mr. Ames, on the 9th of April, made report to the house, that the committee had met the managers on the part of the Senate, and had freely discussed the subject matter of the amendments, but had come to no agreement thereon. And on the 12th, the house resolved to adhere to their disagreement to the amendment of the Senate. On the | Id. p. 148.<br>Id. p. 153.<br>Id. p. 166, 167.<br>Id. p. 168, 169.<br>S. Journal, p. 119, 120.<br>Id. p. 122.<br>H. Journal, p. 181, 182.<br>S. Journal, p. 123.<br>H. Journal, p. 192. |
| Amended.                     |  |   |
| Passed by House.             |  |   |
| Considered in Senate.        |  |   |
| Amended.                     |  |   |
| Passed.                      |  |   |
| Conference.                  |  |   |
| House adhered.               |  |   |

| CHAP. III.   | National Revenue—Imposts, and Tonnage Duties.   | 1790.   |
|--|---|---|
| 1st Congress.<br>2d Session.                         | following day, the Senate also <i>adhered</i> to their amendment, and thus the bill was lost.   | S. Journal,<br>p. 131.  |
| Senate ad-<br>here.                                  | A letter from the secretary of the treasury was communicated to the house by the speaker on the 23d, containing a report, in compliance with the direction of the house on the 19th of January, respecting difficulties which had occurred in the execution of the laws for collecting duties; and this letter was committed to Messrs. Goodhue, Lawrance, Boudinot, Fitzsimons, and Lee. And, on the 27th, Mr. Boudinot, from this committee, presented a bill, to provide for mitigating or remitting the forfeitures and penalties accruing under the revenue laws, in certain cases therein mentioned, which was read a first time. On the 28th, the bill was read a second time, considered in committee of the whole, and reported without amendment; and, on the 29th, the bill was read a third time, and sent to the Senate for concurrence. On the 30th, the bill was read a first time in the Senate. The bill was further considered, and read a second and third time on the 3d and 4th of May, and was passed with an amendment. The House, on the 5th, concurred with the Senate in their amendment to the bill.                                       | H. Journal,<br>p. 198.<br><br>Id. p. 201.<br><br>Id. p. 203.<br><br>S. Journal,<br>p. 136.<br><br>Id. p. 137.<br><br>H. Journal,<br>p. 209. |
| New bill<br>to remit<br>forfeitures.                 | Leave was also given, on the 25th of March, on motion of Mr. Lee, to bring in a bill, or bills, to suspend part of an act, entitled "An act to regulate the collection of the duties imposed by law on the tonnage of ships or vessels, and on goods, wares, and merchandises, imported into the United States; and Messrs. Lee, Cadwalader, and Seney, were appointed a committee to prepare and bring in the same. And, on the 26th, Mr. Lee presented a bill, which was read a first time. The bill received its second reading on the 29th. On the 5th of April, the bill was considered in committee of the whole, and reported with amendments, which were agreed to by the House, and the bill was passed, in its amended form, on the following day. In the Senate, the bill was read a first time on the 7th of April; and, on the next day, was committed to Messrs. Langdon, Ellsworth, and Dalton. On the 9th, Mr. Langdon made a report from this committee, which was accepted as an amendment to the bill; and the bill was then read a third time, and passed with two amendments. The House, on the same day, agreed to the amendment of the Senate. | Id. p. 182.<br><br>Id. p. 183.<br><br>Id. p. 188,<br>189.<br><br>S. Journal,<br>p. 130.<br><br>H. Journal,<br>p. 191.                       |
| Bill to sus-<br>pend part<br>of collec-<br>tion act. |   |   |
| Passed by<br>House.                                  |   |   |
| Amended<br>by Senate.                                |   |   |

The first Congress, on the 21st of September, 1789, had adopted two resolutions, as follows:—

Resolu-  
tions of

"Resolved—That this house consider an adequate provision Id. p. 117.

1st Congress.  
2d Session.

first Con-  
gress, call-  
ing on se-  
cretary of  
treasury.

Report of  
secretary  
referred.

Resolu-  
tions re-  
ported by  
committee.

for the support of the public credit, as a matter of high importance to the national honour and prosperity.

“*Resolved*—That the secretary of the treasury be directed to prepare a plan for that purpose, and to report the same to this house at its next meeting.” On the 9th of January, 1790, the secretary communicated to the house that he was ready to make his report; and the house appointed to receive it on the following Thursday, (the 14th.) On that day, accordingly, the report was received, and the house resolved, on that day fortnight, to consider the same in committee of the whole. The report was not taken up in committee until the 8th of February, from which time, until the 13th of March, it was discussed, with very few intermissions, *de die, in diem*. On the day last named, the committee reported the following resolutions, which were taken up for consideration on the 29th of March:—

“1. *Resolved*—That adequate provision ought to be made for fulfilling the engagements of the United States in respect to their foreign debt.

“2. *Resolved*—That permanent funds ought to be appropriated for the payment of interest on, and the gradual discharge of, the domestic debt of the United States.

“3. *Resolved*—That the arrears of interest, including indents issued in payment thereof, ought to be provided for on the same terms with the principal of the said debt.

“4. *Resolved*—That the debts of the respective states ought, with the consent of the creditors, to be assumed and provided for by the United States; and that effectual provision be, at the same time, made for liquidating and crediting to the states the whole of their respective expenditures during the war, as the same have been, or may be stated for the purpose; and that, in such liquidation, the best evidence shall be received that the nature of the case will permit.

“5. *Resolved*—That it is advisable to endeavour to effect a new modification of the domestic debt, including that of the particular states, with the voluntary consent of the creditors, by a loan, upon terms mutually beneficial to them and to the United States.

“6. *Resolved*—That, for the purpose expressed in the last preceding resolution, subscriptions towards a loan ought to be opened, to the amount of the said domestic debt, including that of the respective states, upon the terms following; to wit:

“That for every hundred dollars subscribed, payable in the

H. Journal,  
p. 136.

Id. p. 141.

Id. p. 154—  
174.

Id. p. 184.



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said debt; (as well interest as principal,) the subscriber be entitled, at his option, either

“To have two-thirds funded at an annuity, or yearly interest at six *per cent.*, redeemable at the pleasure of the government, by payment of the principal; and to receive the other third in lands in the Western territory, at the rate of twenty cents per acre. Or,

“To have sixty-six dollars and two-thirds of a dollar funded immediately at an annuity, or yearly interest of six *per cent.*, irredeemable by any payment exceeding ——— *per annum*, on account both of principal and interest; and to have, at the end of ——— years, ——— funded at the like interest and rate of redemption.

“7. *Resolved*—That immediate provision ought to be made for the present debt of the United States; and that the faith of government ought to be pledged to make provision, at the next session, for so much of the debts of the respective states, as shall have been subscribed upon any of the terms expressed in the last resolution.

“8. *Resolved*—That the funds which shall be appropriated according to the second of the foregoing resolutions, be applied, in the first place, to the payment of interest on the sums subscribed towards the proposed loan; and that, if any part of the said domestic debt shall remain unsubscribed, the surplus of the said funds be applied, by a temporary appropriation, to the payment of interest on the unsubscribed part, so as not to exceed, for the present, four *per cent. per annum*; but this limitation shall not be understood to impair the right of the non-subscribing creditors to the residue of the interest on their respective debts; and in case the aforesaid surplus should prove insufficient to pay the non-subscribing creditors, at the aforesaid rate of four *per cent.*, that the faith of government be pledged to make good such deficiency.”

Disposal  
of resolutions.

The question being taken on these resolutions, the first, second, and third resolutions were agreed to without a division. The fourth resolution was ordered to be recommitted to the same committee: ayes, 29; noes, 27. And the fifth, sixth, seventh, and eighth resolutions were ordered to lie on the table. On the following day, the four last resolutions were recommitted to the same committee.

H. Journal,  
p. 185.

The house then resolved itself into committee of the whole, for the purpose of further considering the report of the secretary of the treasury, and continued the deliberation and discussion.

Id. p. 186.  
192. 194,  
195. 197,  
198. 200.

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sion on this subject on the 31st of March, and on the 1st, 12th, 15th, 16th, 20th, 21st, 22d, and 26th of April. On the 15th, opposition was made to the course; and the ayes and noes being required, on the motion to go into committee, it was determined in the affirmative, by the following vote:—

*Ayes*—Messrs. Ashe, Baldwin, Brown, Carroll, Clymer, Coles, Contee, Fitzsimons, Floyd, Gale, Griffin, Hartley, Hathorn, Heister, Jackson, Lawrance, Lee, Madison, jr., Mathews, Moore, Muhlenberg, Page, Parker, Van Rensselaer, Scott, Seney, Sinnickson, Smith, of Maryland, Sumpter, Tucker, White, Williamson, Wynkoop.—33.

*Noes*—Messrs. Ames, Benson, Bland, Bloodworth, Boudinot, Burke, Foster, Gerry, Gilman, Goodhue, Grout, Huntington, Leonard, Livermore, Partridge, Sherman, Silvester, Smith, of South Carolina, Sturges, Thatcher, Trumbull, Vining, Wadsworth.—23.

On the 26th, it was moved that the house agree to the following order:—

“That the committee of the whole house, on the report of the secretary of the treasury, relative to a provision for the support of the public credit, be, for the present, discharged from proceeding on so much of the said report as relates to an assumption of the state debts.”

Committee  
discharged  
from what  
relates to  
state debts.

The previous question being demanded, and it being determined that the main question should be put, by a vote of 32 to 18, the question on the adoption of the order was determined in the affirmative, by the following vote:—

H. Journal,  
p. 200.

*Ayes*—Messrs. Ashe, Baldwin, Bloodworth, Brown, Carroll, Gilman, Griffin, Jackson, Lee, Madison, jr., Mathews, Moore, Muhlenberg, Page, Parker, Van Rensselaer, Clymer, Coles, Contee, Fitzsimons, Floyd, Schureman, Scott, Seney, Sinnickson, Smith, of Maryland, Steele, Stone, Sumpter, White, Williamson, Wynkoop.—32.

*Noes*—Messrs. Ames, Bland, Boudinot, Burke, Foster, Gerry, Goodhue, Grout, Huntington, Livermore, Sherman, Silvester, Smith, of South Carolina, Sturges, Thatcher, Tucker, Vining, Wadsworth.—18.

The committee of the whole, on the same day, reported the following resolutions, which were agreed to by the house:—

“*Resolved*—That it is advisable to endeavour to effect a new modification of the domestic debt, with the voluntary consent of

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the creditors, by a loan, upon terms mutually beneficial to them and to the United States.

*“Resolved—That, for the purpose expressed in the last preceding resolution, subscriptions towards a loan ought to be opened, to the amount of the said domestic debt, upon the terms following; to wit:—*

*“That, for every hundred dollars subscribed, payable in the said debt, (as well interest as principal,) the subscriber be entitled, at his option, either*

*“To have two-thirds funded at an annuity, or yearly interest, of six per cent., redeemable at the pleasure of the government, by payment of the principal; and to receive the other third in lands in the Western territory, at the rate of twenty cents per acre; or,*

Resolu-  
tions re-  
ported.

*“To have the whole sum funded at an annuity, or yearly interest, of four per cent., irredeemable by any payment exceeding six dollars per annum, on account both of principal and interest; and to receive, as a compensation for the reduction of interest, fifteen dollars and eighty cents, payable in lands as in the preceding case; or,*

*“To have sixty-six dollars and two-thirds of a dollar funded immediately, at an annuity, or yearly interest, of six per cent., irredeemable by any payment exceeding six dollars per annum, on account both of principal and interest; and to have, at the end of seven years, thirty-three dollars and one-third of a dollar funded at the like interest, and rate of redemption.*

*“Resolved—That immediate provision ought to be made for the present debt of the United States.*

*“Resolved—That the funds which shall be appropriated according to the second of the foregoing resolutions, be applied, in the first place, to the payment of interest on the sums subscribed towards the proposed loan; and that, if any part of the said domestic debt shall remain unsubscribed, the surplus of the said funds be applied, by a temporary appropriation, to the payment of interest on the unsubscribed part, so as not to exceed, for the present, four per cent. per annum; but this limitation shall not be understood to impair the right of the non-subscribing creditors to the residue of the interest on their respective debts; and, in case the aforesaid surplus should prove insufficient to pay the non-subscribing creditors, at the aforesaid rate of four per cent., that the faith of government be pledged to make good such deficiency.”*

H. Jour.  
p. 201.

Committee  
to prepare  
bill.

It was then ordered that Messrs. Stone, White, Sherman, Cly-

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mer, and Gilman, be a committee to prepare and bring in a bill or bills, pursuant to these resolutions.

Other re-  
solutions  
reported.

On the following day, (the 27th,) the committee again had the report of the secretary of the treasury under consideration, and reported the following resolutions, which were also agreed to by the house:—

*“Resolved—*That from and after the —— day of —— next, in lieu of the duties now payable upon wines and distilled spirits, imported into the United States, there shall be paid the following rates:—

Duties on  
wines and  
spirits, &c.

“Upon every gallon of Madeira wine, called London particu- H. Journal,  
lar, 35 cents. p. 201, 202.

“Upon every gallon of other Madeira wine, thirty cents.

“Upon every gallon of Sherry wine, twenty-five cents.

“Upon every gallon of other wine, twenty cents.

“Upon every gallon of distilled spirits, more than ten *per cent.* below proof, according to Dicas's hydrometer, twenty cents.

“Upon every gallon of those spirits, under five, and not more than ten *per cent.* below proof, according to the same hydrometer, twenty-one cents.

“Upon every gallon of those spirits, of proof, and not more than five *per cent.* below proof, according to the same hydrometer, twenty-two cents.

“Upon every gallon of those spirits, above proof, and not exceeding twenty *per cent.*, according to the same hydrometer, twenty-five cents.

“Upon every gallon of those spirits, more than twenty, and not more than forty *per cent.* above proof, according to the same hydrometer, thirty cents.

“Upon every gallon of those spirits, more than forty *per cent.* above proof, according to the same hydrometer, forty cents.”

*“Resolved—*That from and after the —— day of ——, in lieu of the duties now payable upon teas and coffee, imported into the United States, there shall be paid—

“Upon every pound of Hyson tea, forty cents.

“Upon every pound of other green tea, twenty-four cents.

“Upon every pound of Souchong, or other black tea, other than Bohea, twenty cents.

“Upon every pound of Bohea tea, twelve cents.

“Upon every pound of coffee, five cents.

*“Resolved—*That from and after the —— day of ——, there  
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Duties on  
spirits.

be paid upon spirits distilled within the United States, from molasses, sugar, or other foreign manufacture—

“Upon every gallon of those spirits, more than ten *per cent.* below proof, according to Dicas’s hydrometer, eleven cents.

“Upon every gallon of those spirits, under five, and not more than ten *per cent.* below proof, according to the same hydrometer, twelve cents.

“Upon every gallon of those spirits, of proof, and not more than five *per cent.* below proof, according to the same hydrometer, thirteen cents.

“Upon every gallon of those spirits, above proof, but not exceeding twenty *per cent.*, according to the same hydrometer, fifteen cents.

“Upon every gallon of those spirits, more than twenty, and not more than forty *per cent.* above proof, according to the same hydrometer, twenty cents.

“Upon every gallon of those spirits, more than forty *per cent.* above proof, according to the same hydrometer, thirty cents.

“*Resolved*—That from and after the — day of —, there be paid upon spirits distilled within the United States, in any city, town, or village, from materials the growth or production of the United States—

“Upon every gallon more than ten *per cent.* below proof, according to Dicas’s hydrometer, nine cents.

“Upon every gallon of those spirits, under five, and not more than ten *per cent.* below proof, according to the same hydrometer, ten cents.

“Upon every gallon of those spirits, of proof, and not more than five *per cent.* below proof, according to the same hydrometer, eleven cents.

“Upon every gallon of those spirits, above proof, but not exceeding twenty *per cent.*, according to the same hydrometer, thirteen cents.

“Upon every gallon of those spirits, more than twenty, and not more than forty *per cent.* above proof, according to the same hydrometer, seventeen cents.

“Upon every gallon of those spirits, more than forty *per cent.* above proof, according to the same hydrometer, twenty-five cents.

“And upon all stills employed in distilling spirits from materials of the growth or production of the United States, in any other place than a city, town, or village, there be paid the yearly sum of sixty cents for every gallon, English wine measure,

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## National Revenue—Duties on Spirits.

1790.

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2d Session.

of the capacity of each still, including its head; or — cents per gallon, for all spirits distilled from grain; or — cents per gallon for all spirits distilled from fruit."

Committee  
to prepare  
bill.Bill pre-  
sented.

It was then ordered that Messrs. Fitzsimons, Huntington, Jackson, Contee, and Bloodworth, prepare and bring in a bill, or bills, pursuant to these resolutions. And on the 5th of May, Mr. Fitzsimons, from this committee, presented a bill for repealing, after the last day of — next, the duties heretofore laid upon distilled spirits imported from abroad, and laying others in their stead; and also upon spirits distilled within the United States, as well to discourage the excessive use of these spirits, and promote agriculture, as to provide for the support of the public credit, and for the common defence and general welfare;" which was read a first time, and afterwards received its second reading, and was committed to a committee of the whole house.

H. Journal,  
p. 209.Consider-  
ed in com-  
mittee.

The bill was taken up for consideration in committee on the 8th and 9th of June, when it was much discussed. On the 10th of June, another question being before, an early motion to go into committee of the whole on this bill, was negatived by the following vote:—

Id. p. 235,  
236.

*Ayes*—Messrs. Ames, Benson, Boudinot, Burke, Floyd, Foster, Gerry, Goodhue, Hathorn, Huger, Huntington, Jackson, Lawrance, Leonard, Livermore, Van Rensselaer, Schureman, Sedgwick, Sherman, Silvester, Smith, of Maryland, Smith, of South Carolina, Sturges, Thatcher, Trumbull, Wadsworth.—26.

Id. p. 238,  
239.

*Noes*—Messrs. Ashe, Baldwin, Bloodworth, Brown, Cadwalader, Carroll, Clymer, Coles, Contee, Fitzsimons, Gale, Gilman, Griffin, Grout, Hartley, Heister, Madison, jr., Mathews, Moore, Muhlenberg, Page, Parker, Scott, Seney, Sinnickson, Steele, Stone, Vining, White, Williamson, Wynkoop.—31.

The obstructing business having been disposed of, the house went into committee on the bill, and made further progress; and on the following day, a report was made to the house, that the bill had been considered, and several amendments had been made. A motion was then made to take the said amendments into consideration, which was opposed; but on the question being put, was decided in the affirmative, as follows:—

Id. p. 240,  
241.

*Ayes*—Messrs. Ashe, Baldwin, Brown, Cadwalader, Clymer, Contee, Fitzsimons, Floyd, Foster, Gale, Gilman, Griffin, Hartley, Heister, Jackson, Livermore, Madison, jr., Mathews, Moore, Schureman, Seney, Sherman, Sinnickson, Smith, of Maryland, Stone, Sumpter, Vining, White, Williamson, Wynkoop.—30.

Id. p. 242.

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*Noes*—Messrs. Ames, Bloodworth, Boudinot, Burke, Coles, Gerry, Goodhue, Grout, Huger, Lawrance, Leonard, Page, Parker, Partridge, Van Rensselaer, Sedgwick, Silvester, Smith, of South Carolina, Steele, Sturges, Thatcher, Trumbull, Tucker, Wadsworth.—24.

*Amended.* The amendments were then agreed to, and the bill and amendments were ordered to lie on the table. On the 18th, a motion was made to strike out the twelfth and thirteenth sections of the bill, and also such other parts as impose an excise duty on all spirits distilled within the United States, which was determined in the negative by the following vote:—

*Ayes*—Messrs. Burke, Coles, Gerry, Goodhue, Griffin, Grout, Heister, Huger, Moore, Muhlenberg, Page, Parker, Sedgwick, Smith, of South Carolina, Steele, Sumpter, Thatcher, Tucker, White.—19. H. Jor  
P. 241

*Noes*—Messrs. Ames, Ashe, Baldwin, Benson, Bloodworth, Boudinot, Brown, Cadwalader, Carroll, Contee, Fitzsimons, Floyd, Foster, Gale, Gilman, Hartley, Hathorn, Huntington, Jackson, Lawrance, Leonard, Livermore, Mathews, Van Rensselaer, Scott, Seney, Sevier, Sherman, Silvester, Sinnickson, Stone, Trumbull, Wadsworth, Williamson, Wynkoop.—35. Id. p.

The bill was then further amended, and on the following day, the question, that the bill, with the amendments, be engrossed and read a third time, was decided in the negative as follows:—

*Ayes*—Messrs. Brown, Cadwalader, Carroll, Contee, Fitzsimons, Floyd, Foster, Gale, Gilman, Griffin, Hartley, Heister, Lee, Livermore, Madison, jr., Muhlenberg, Seney, Sherman, Sinnickson, Smith, of Maryland, Vining, White, Williamson.—23.

*Noes*—Messrs. Ames, Ashe, Baldwin, Benson, Bloodworth, Burke, Coles, Gerry, Goodhue, Grout, Hathorn, Huger, Huntington, Jackson, Lawrance, Leonard, Mathews, Moore, Page, Parker, Partridge, Van Rensselaer, Scott, Sedgwick, Sevier, Silvester, Smith, of South Carolina, Steele, Stone, Sturges, Sumpter, Thatcher, Trumbull, Tucker, Wadsworth.—35.

*Rejected.* The bill was therefore rejected. Id. p. 1

*Bill to repeal duties on wines reported.* It appears that, pending the above bill, on the 11th of May, Mr. Fitzsimons, from the same committee, presented "a bill repealing, after the last day of ——— next, the duties heretofore laid upon wines imported from foreign ports or places, and laying others in their stead;" and this bill was read a first and second time, on the 11th and 12th of May, and was then committed. Id. p.

*Not acted* But it does not appear that this bill was ever afterwards acted on.

## CHAP. III.

## National Revenue—Duties on Spirits, &amp;c.

1790.

1st Congress.  
2d Session.

Bill to regulate the collection of duties.

Passed in house.

3d Session.

Further report from secretary of treasury.

Resolutions concerning duties on spirits.

On the 8th of July, Mr. Goodhue presented a bill to regulate the collection of the duties imposed by law on goods, wares, and merchandises, imported into the United States, and on the tonnage of ships or vessels; which was read a first and second time, and committed to a committee of the whole house. In committee, the bill was considered on the 12th, and several amendments were reported, which were agreed to on the following day, and the bill was ordered to be engrossed. The blanks having been filled up, on the 17th the bill was passed. This bill having been communicated to the Senate, it was there determined, on the 20th, to dispense with the rules so far as that it be referred to Messrs. Morris, Langdon, Dalton, Foster, and Henry, prior to the first reading, to consider and report thereon. Mr. Morris reported the bill on the 22d, when the ordinary rules were again dispensed with, and the bill was regarded as in the second reading. On the 23d, the bill was recommitted, for the purpose of making other amendments; and, on the 25th, 26th, and 27th, it was further considered, and finally passed. All the amendments of the Senate were, on the 28th, agreed to by the House.

On the 9th of August, the House of Representatives directed the secretary of the treasury "to prepare and report, on the second Monday of December next, such further provision as may, in his opinion, be necessary for establishing the public credit; and, accordingly, on the 13th of December, immediately after the commencement of the third session, the secretary transmitted a report, which was committed to a committee of the whole house. The house went into committee on this report, on the 27th of December; and after consideration and discussion, reported the following resolutions, which were agreed to:—

"Resolved—That an additional duty of eight cents per gallon be imposed on all distilled spirits of common proof, and in the like proportion for all other distilled spirits, which, after the \_\_\_\_\_ day of \_\_\_\_\_ next, shall be imported into the United States.

"Resolved—That from and after the \_\_\_\_\_ day of \_\_\_\_\_ next, a duty, of eleven cents per gallon, be imposed on all spirits of the first class of proof, distilled within the United States, from molasses, sugar, or other foreign materials; and also, a duty, in like proportion, on like spirits of all other classes of proof.

"Resolved—That from and after the \_\_\_\_\_ day of \_\_\_\_\_ next, a duty, of nine cents per gallon, be imposed on all spirits of the first class, of proof, distilled within any city, town, or village, from materials of the growth or production of the United

H. Journal,  
p. 258.

Id. p. 268.

Id. p. 269.

Id. p. 272.

S. Journal,

p. 184.

Id. p. 187.

Id. p. 188.

Id. p. 189.

Id. p. 190.

Id. p. 189.

Id. p. 190.

H. Journal,

p. 283.

Id. p. 295.

Id. p. 336.

Id. p. 336.

Id. p. 336.

Id. p. 336.

Id. p. 336.

Id. p. 336.

Id. p. 336.

Id. p. 336.

Id. p. 336.

Id. p. 336.

Id. p. 336.

Id. p. 336.

Id. p. 336.

Id. p. 336.

Id. p. 336.

Id. p. 336.

Id. p. 336.

Id. p. 336.

Id. p. 336.

Id. p. 336.

Id. p. 336.

Id. p. 336.

Id. p. 336.

Id. p. 336.

Id. p. 336.

Id. p. 336.

Id. p. 336.

Id. p. 336.

Id. p. 336.

Id. p. 336.

Id. p. 336.

Id. p. 336.

Id. p. 336.

Id. p. 336.



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States; and also, a duty, in like proportion, on like spirits of all other classes, of proof.

*“Resolved—*That upon each still employed in distilling spirits from materials of the growth or production of the United States, in any other place than a city, town, or village, there be imposed a yearly tax, or duty, of sixty cents for every gallon, English wine measure, of the capacity of such still, including its head, in lieu of all other rates.”

Committee  
to prepare  
bill.

Messrs. Sedgwick, Trumbull, Lawrance, Wynkoop, and Smith, of Maryland, were then constituted a committee to prepare and bring in a bill, or bills, pursuant to the above resolutions; and the committee of the whole were then discharged from any further proceeding on the secretary's report.

The same committee were instructed to prepare and bring in a bill, or bills, to alter the mode of collecting the duties on wines and teas, and to grant a longer time for the payment of such duties thereon.

Bill report-  
ed.

On the 30th of December, Mr. Sedgwick, from this committee, presented a bill “repealing, after the last day of ——— next, the duties heretofore laid upon distilled spirits imported from abroad, and laying others in their stead; and also, upon spirits distilled within the United States, as well to discourage the excessive use of those spirits, and promote agriculture, as to provide for the support of the public credit, and for the common defence and general welfare.” This bill was then read a first and second time, and committed to a committee of the whole house. On the 5th, 6th, 11th, 12th, and 13th of January, 1791, this bill was discussed in committee; and, on the 13th, the committee reported several amendments; and, on the 17th, the amendments were considered and agreed to by the house.

Amend-  
ments.

1791.  
H. Journal,  
p. 349, 350,  
352, 353.  
355, 356.

It was then moved to amend the bill by striking out the thirteenth section, which was in the words following:—

Further  
amend-  
ments  
moved.

*“And be it further enacted—*That, upon all spirits which, after the said last day of ——— next, shall be distilled within the United States, from any article of the growth or production of the United States, in any city, town, or village, there shall be paid, for their use, the duties following; that is to say—

“For every gallon of those spirits more than ten *per cent.* below proof, according to Dica's hydrometer, nine cents.

“For every gallon of those spirits under five, and not more than ten *per cent.* below proof, according to the same hydrometer, ten cents.

## CHAP. III.

## National Revenue—Duties on Spirits.

1791.

1st Congress.  
3d Session.

"For every gallon of those spirits, of proof, and not more than five *per cent.* below proof, according to the same hydrometer, eleven cents.

"For every gallon of those spirits above proof, but not exceeding twenty *per cent.*, according to the same hydrometer, thirteen cents.

"For every gallon of those spirits, more than twenty, and not more than forty *per cent.* above proof, according to the same hydrometer, seventeen cents.

"For every gallon of those spirits, more than forty *per cent.* above proof, according to the same hydrometer, twenty-five cents."

Motion to  
amend ne-  
gated.

The question being taken on this proposition, it was decided in the negative, by the following vote:—

*Ayes*—Messrs. Baldwin, Bloodworth, Brown, Burke, Heister, Jackson, Mathews, Moore, Muhlenberg, Parker, Scott, Sevier, Steele, Stone, Tucker, Williamson.—16.

*Noes*—Messrs. Ames, Benson, Boudinot, Bourne, Cadwalader, Clymer, Fitzsimons, Floyd, Foster, Gilman, Goodhue, Griffin, Grout, Giles, Lawrance, Lee, Leonard, Livermore, Madison, jr., Partridge, Van Rensselaer, Schureman, Sedgwick, Seney, Sherman, Silvester, Sinnickson, Smith, of Maryland, Smith, of South Carolina, Sturges, Thatcher, Trumbull, Vining, Wadsworth, White, Wynkoop.—35.

On the 18th, 19th, and 20th, the bill was further considered H. Journal,  
P. 357— and discussed. And on the 21st, it was moved to amend the bill by inserting the following clause:—

Motion to  
amend.

"*And be it further enacted*—That if any inspector, or other officer or person concerned in the collection of the revenue to be raised by this act, shall, by word, message, or writing, or in any other manner whatsoever, persuade or endeavour to persuade any elector to give, or endeavour to dissuade any elector from giving his vote for the choice of any person, to be a member of the House of Representatives, member of the Senate, or President of the United States, such inspector, or other person, so offending, shall be for ever disabled from holding an office under this act, and shall be subject to a penalty of — dollars."

Negated.

The question being taken on this proposition to amend, it was Id. p. 360, decided in the negative, by the following vote:—

*Ayes*—Messrs. Ashe, Baldwin, Bloodworth, Brown, Burke, Floyd, Gerry, Grout, Hathorn, Heister, Jackson, Livermore, Mathews, Moore, Parker, Van Rensselaer, Seney, Silvester, Stone, Tucker, White.—21.

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*Noes*—Messrs. Ames, Benson, Boudinot, Bourne, Cadwalader, Carroll, Clymer, Fitzsimons, Foster, Gale, Gilman, Goodhue, Griffin, Giles, Hartley, Huntington, Lawrance, Lee, Leonard, Madison, jr., Muhlenberg, Schureman, Scott, Sedgwick, Sevier, Sherman, Sinnickson, Smith, of Maryland, Smith, of South Carolina, Steele, Sturges, Thatcher, Trumbull, Vining, Wadsworth, Williamson, Wynkoop.—37.

The bill was then further amended, and the consideration of it was resumed on the 22d and 24th, on the latter of which days the following amendment being under consideration; to add to the bill the following clause:—

*“And be it further enacted—That the several duties imposed by this act, shall continue to be collected and paid, until the debts and purposes, for which they are pledged and appropriated, shall be fully discharged and satisfied, and no longer.”*

Motion to  
amend.

A motion was made to amend the same, by striking out from the word “paid” to the end, and inserting, in lieu thereof, the following words:—

“Until the — day of — in the year —, and until the end of the next session of Congress, and no longer, the faith of the United States being hereby pledged, that timely and adequate provision shall be made for the full accomplishment of all the purposes for which the moneys arising under the operation of this act, are pledged and appropriated.”

The question being taken on this motion to amend the original proposition, it was determined in the negative, as follows:—

*Ayes*—Messrs. Ashe, Baldwin, Bloodworth, Brown, Burke, Giles, Hartley, Heister, Jackson, Mathews, Moore, Muhlenberg, Parker, Scott, Seney, Sevier, Steele, Tucker, Williamson.—19.

*Noes*—Messrs. Ames, Benson, Boudinot, Bourne, Cadwalader, Clymer, Fitzsimons, Floyd, Foster, Gale, Gerry, Gilman, Goodhue, Griffin, Grout, Hathorn, Huntington, Lawrance, Lee, Leonard, Livermore, Madison, jr., Partridge, Van Rensselaer, Schureman, Sedgwick, Sherman, Sylvester, Sinnickson, Smith, of Maryland, Smith, of South Carolina, Stone, Sturges, Thatcher, Trumbull, Vining, Wadsworth, White, Wynkoop.—39.

The clause, as it was originally proposed, was then agreed to.

Ordered to  
be en-  
grossed.

On the 25th, the discussion of the bill being closed, and no further amendments being proposed, the question, on its engrossment for a third reading, was put, and decided in the affirmative, by the following vote:—

*Ayes*—Messrs. Ames, Benson, Boudinot, Bourne, Cadwala-

Id. p. 3  
363.

## CHAP. III.

## National Revenue—Duties on Spirits.

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der, Carroll, Clymer, Fitzsimons, Floyd, Foster, Gale, Gerry, Gilman, Goodhue, Grout, Huntington, Lawrance, Lee, Leonard, Livermore, Madison, jr., Partridge, Schureman, Scott, Sedgwick, Sherman, Silvester, Sinnickson, Sturges, Thatcher, Trumbull, Vining, Wadsworth, White, Wynkoop.—35.

*Noes*—Messrs. Ashe, Baldwin, Bloodworth, Brown, Burke, Griffin, Giles, Hartley, Hathorn, Heister, Jackson, Mathews, Muhlenberg, Parker, Van Rensselaer, Seney, Sevier, Steele, Stone, Tucker.—20. H. Journal, p. 364, 365.

**Bill passed.** On the 27th, the bill was read a third time and passed; the vote, on its final passage, being as follows:—

*Ayes*—Messrs. Ames, Benson, Boudinot, Bourne, Cadwalader, Carroll, Clymer, Fitzsimons, Floyd, Foster, Gerry, Gilman, Goodhue, Griffin, Grout, Huntington, Lawrance, Lee, Leonard, Livermore, Madison, jr., Partridge, Schureman, Sedgwick, Sherman, Silvester, Sinnickson, Smith, of South Carolina, Sturges, Thatcher, Trumbull, Vining, Wadsworth, White, Wynkoop.—35.

*Noes*—Messrs. Ashe, Baldwin, Bloodworth, Brown, Burke, Giles, Hartley, Hathorn, Heister, Jackson, Mathews, Moore, Muhlenberg, Parker, Van Rensselaer, Seney, Smith, of Maryland, Steele, Stone, Tucker, Williamson.—21.

**Bill in Senate.**

The bill having been sent to the Senate, received its first reading there, on the 28th of January; and, on the 2d of February, it was committed, after some debate, to Messrs. Morris, Ellsworth, Langdon, Schuyler, and Strong. Mr. Morris, from this committee, reported the bill on the 7th, in an amended form; and the amendment of the committee to the fourth section was agreed to on the next day, making the section read as follows:—

**Amended.** “*Sect. IV. And be it further enacted*—That the President of the United States be authorized to appoint, with the advice and consent of the Senate, such number of officers as shall appear to him necessary to inspect the revenue arising under this law; and the President of the United States may, in each state, designate the districts and surveys in which they shall act, assigning to each district a general inspector thereof, and as many other inspectors to each survey therein, as he shall think advisable, placing the latter under the superintendence of the former. *Provided, always*—That it shall and may be lawful for the President, with the advice and consent of the Senate, in his discretion, to appoint such and so many of the officers of the customs to be inspectors under this act, as he shall deem advisable to employ in

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the execution thereof: *And provided, also*—That, if the appointment of the officers aforesaid, or any part of them, shall not be made during the present session of Congress, the President shall have power, and he is hereby empowered, to make such appointments during the recess of the Senate, by granting commissions which shall expire at the end of their next session."

A motion was then made to expunge the following clause of the amendment which had been agreed to; namely: "*And provided, also*—That if the appointment of the officers aforesaid," &c., to the end of the section. The question being taken on this motion, it was decided in the negative, by the following vote:—

*Yeas*—Messrs. Bassett, Butler, Gunth, Izard, Langdon, McClay, Monroe, Stanton, Wingate.—9.

*Nays*—Messrs. Carroll, Dalton, Dickinson, Elmer, Few, Foster, Henry, Johnson, Johnston, King, Morris, Read, Schuyler, Strong.—14.

An unsuccessful motion to recommit this amendment was then made; and on the following day, the residue of the report of the committee was agreed to: and the bill, as amended, was ordered to a third reading. On the 10th, the bill was read a third time, when a motion was made to expunge the 65th section, which reads thus:—

S. Jour.  
p. 240,  
id. p. 2  
261.

"*And be it further enacted*—That the several duties imposed by this act shall continue to be collected and paid until the debts and purposes for which they are pledged and appropriated shall be fully discharged and satisfied, and no longer."

The question being put, the motion was decided in the negative.

Motions to  
amend.

It was then moved to amend the thirteenth section in the following clause:—"For every gallon of those spirits, more than ten *per cent.* below proof, according to Dicas's hydrometer, *eleven cents*," by striking out "eleven," and inserting "eight;" and also in the corresponding clause of the fourteenth section, which imposed "*nine cents*" duty on spirits of equal proof, distilled from domestic materials, by striking out "nine," and inserting "six;" and that the duties proposed to be raised by this bill from spirits distilled in the United States, be conformed to this ratio in the different grades mentioned in the bill, keeping the same rate of difference in each."

This proposition was also determined in the negative; as was

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also a motion made separately to strike out "eleven," in the clause already quoted, and insert "nine." It was then moved to amend the clause, in the first section, which imposed a duty of *twenty* cents on every gallon of distilled spirits imported, "more than ten *per cent.* below proof, by inserting the word "one," after "twenty;" and to make a proportionable addition upon all the different grades of imported spirits, mentioned in the bill, and in like proportion to reduce the duty on distilled spirits, manufactured within the United States;" and this motion was also rejected.

It was *ordered*, that the fourth section of the bill be recommitted for further amendment. On the 11th, Mr. Morris, from the committee instructed to consider this section, reported an amendment, and the report was adopted; and the report and bill were then recommitted, and the committee were instructed to conform the bill to the amendments which had been agreed on. S. Journal,  
p. 262.

**Bill passed.** The bill was again reported on the following day, when it was moved, "that the rates of duties on imported spirits be so increased, as that the sums payable on imported spirits shall be one-third higher than the duties payable on spirits of similar proof, distilled within the United States from foreign materials;" but this motion proved unsuccessful. The question was then put, on the passage of the bill, as amended, and was decided in the affirmative, as follows:—

*Yeas*—Messrs. Bassett, Butler, Carroll, Dickinson, Ellsworth, Elmer, Few, Hawkins, Henry, Johnson, Johnston, Izard, King, Langdon, Monroe, Morris, Read, Schuyler, Stanton, Wingate.—20.

*Nays*—Messrs. Dalton, Foster, Gunn, Maclay, Strong.—5.

The bill was then passed with the following amendments:—

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the Senate.

"*Sect. 3, line 3.* After 'fifty,' insert 'and shall not amount to *Id.* p. 263. more than five hundred.'

"*Lines 5, 6.* Expunge 'of one moiety thereof in three months, and the other moiety thereof in six months,' and substitute 'thereof in four months; and if the amount of the said duties shall exceed five hundred dollars, the same may be immediately paid, or secured by bond, with condition for the payment thereof in six months.'

"*Line 6.* After 'bond,' insert 'in either case.'

"*Line 15.* Expunge from the word 'made,' to the word 'shall,' in the 17th line, and substitute, 'and if, at the expiration of the time mentioned in the bond for the payment of the duties there-

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by intended to be secured, the same shall not be paid, then the said deposited spirits.'

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" *Line 23.* Expunge from the word 'Representatives,' to the end of the section.

" *Sect. 4.* Expunge the whole section, and substitute—

" 'In order to a due collection of the duties imposed by this act, *Be it further enacted*—That the United States shall be divided into thirteen districts, each consisting of one state, but subject to alterations by the President of the United States, from time to time, by adding to the smaller such portion of the greater, as shall, in his judgment, best tend to secure and facilitate the collection of the revenue; which districts it shall be lawful for the President of the United States to subdivide into surveys of inspection, and the same to alter at his discretion.

" 'That the President be authorized to appoint, with the advice and consent of the Senate, a supervisor to each district, and as many inspectors to each survey therein as he shall judge necessary, placing the latter under the direction of the former: *Provided, always*—That it shall and may be lawful for the President, with the advice and consent of the Senate, in his discretion, to appoint such, and so many, officers of the customs to be inspectors, in any survey of inspection, as he shall deem advisable to employ, in the execution of this act: *Provided, also*—That where, in the judgment of the President, a supervisor can discharge the duties of that office, and also that of inspector, he may direct the same: *And provided further*—That if the appointment of the inspectors of surveys, or any part of them, shall not be made during the present session of Congress, the President may, and he is hereby empowered to make such appointments, during the recess of the Senate, by granting commissions, which shall expire at the end of the next session.

S. Jour  
P. 264.

" ' *Sect. —. And be it further enacted*—That the supervisors, inspectors, and officers, to be appointed by virtue of this act, and who shall be charged to take bonds for securing the payment of the duties upon spirits distilled within the United States, and with the receipts of moneys in discharge of such duties, shall keep fair and true accounts and records of their transactions, in their respective offices, in such manner and form as may be directed by the proper department, or officer, having the superintendence of the collection of the revenue; and shall, at all times, submit their books, papers, and accounts, to the inspection of such persons as are, or may be, appointed for that purpose; and shall, at all times, pay to the order of the officer who is, or shall be, authorized to

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direct the payment thereof, the whole of the moneys which they may respectively receive by virtue of this act, and shall also, once in every three months, or oftener if they shall be required, transmit their accounts for settlement to the officer, or officers, whose duty it is, or shall be, to make such settlement.

“*Sect.—. And be it further enacted—*That all officers and persons to be appointed pursuant to this act, before they enter on the duties of their respective offices, shall take an oath, or affirmation, diligently and faithfully to execute the duties of their said offices, respectively, and to use their best endeavours to prevent and detect frauds, in relation to the duties on spirits, imposed by this act; which oath or affirmation may be taken before any magistrate authorized to administer oaths within the district or survey to which he belongs; and being certified under the hand and seal of the magistrate, by whom the same shall have been administered, shall, within three months thereafter, be transmitted to the comptroller of the treasury: in default of taking which oath or affirmation, the party failing shall forfeit and pay two hundred dollars to the use of the United States, to be recovered with costs of suit.’

“*Sect. 5, line 1.* Expunge ‘inspector or inspectors,’ substitute ‘supervisor.’

“*Sect. 6, lines 5, 6.* After the word ‘to,’ insert ‘are of,’ add s, to ‘inspector.’

“*Line 6.* Expunge ‘or other chief officer of inspection.’

“*Sect. 7, line 7.* Expunge ‘inspector of the revenue or other.’

“*Sect. 8, line 7.* Expunge ‘proper.’

“*Line 7.* After ‘inspection,’ insert ‘to whom report was made.’

“*Line 9.* After ‘certified,’ insert ‘or reported.’

“*Lines 11, 12.* Expunge ‘without fee or charge.’

“*Sect. 10, lines 3, 4, and 12.* After ‘casks,’ insert ‘vessels.’

“*Line 12.* After ‘each,’ expunge to the end of the section, and substitute ‘and if such officer is not the chief inspector within the survey, he shall, as soon as may be thereafter, make an exact transcript of each entry, and deliver the same to such chief inspector, who shall keep a like book for recording the said transcripts.’

“*Sect. 11, lines 1, 2.* Expunge ‘inspector of the revenue, or other.’

“*Lines 8, 9.* Expunge ‘inspector or other chief,’ also, expunge ‘of inspection.’

“*Line 12.* Expunge ‘of inspection.’

“*— 14.* After ‘particularly,’ insert, ‘as.’



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Senate.

" *Sect. 12.* Expunge the whole section.

" — 16, *line 8.* Before 'officer,' insert 'chief.'

" — 17, — 1. Expunge from the word 'the,' to the word 'who,' in the 3d line, and substitute 'supervisor of each district shall appoint proper officers to have the charge and survey of the distilleries within the same, assigning to each one or more distilleries, as he may think proper.'

" *Sect. 18, line 2.* Expunge 'of inspection,' and after 'whose,' insert 'charge and.'

" *Line 19.* After 'tackling,' insert 'and the vessel or boat, with its tackle and apparel.'

" *Sect. 19.* At the end of the section, add, 'except by consent and in presence of the officer having the charge and survey thereof, on pain of forfeiture of such spirits, or the value thereof, at the highest price in the market, to be recovered, with costs of suit, from the acting owner or manager of such distillery.'

" *Sect. 22, line 2.* Expunge 'inspector of the revenue, who,' substitute 'supervisor.' S. Jour  
p. 265

" *Line 3.* After 'district,' insert, 'who.'

" — 10. Expunge 'inspector, or inspectors:' substitute 'supervisors.'

" *Sect. 23, line 3.* Expunge 'or on a paper.'

" *Line 6.* Expunge 'or paper.'

" — 6. Expunge 'proper.'

" — 15. Expunge 'or paper.'

" *Sect. 24, line 2.* Expunge from the preamble, after the word 'imposed,' and also the whole section; and, after the word 'imposed,' add 'or spirits distilled within the United States.'

" *Sect. 25, line 5.* Expunge 'and.'

" *Line 2.* Expunge 'within any city, town, or village,' and substitute 'from molasses, sugar, or other foreign materials, or from materials the growth or production of the United States.'

" *Line 14.* Expunge 'within any city, town, or village.'

" — 22. Expunge 'inspector,' substitute 'supervisor.'

" — 25. Expunge 'dealers in, or.'

" — 34. After the word, 'aforesaid,' expunge to the end of the section.

" *Sect. 26, line 1.* Expunge 'inspector or inspectors,' substitute 'supervisor.'

" *Lines 5, 6.* Expunge 'or their.'

" *Line 9.* Expunge 'dealer, or.'

" — 11. After 'stock,' expunge the remainder of the sec-

## CHAP. III.

## National Revenue—Duties on Spirits.

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tion, and substitute ‘and the inspector of each survey shall keep a book, wherein he shall enter the name of every distiller, and the particulars of such old stock in the possession of each, designating the several casks, cases, and vessels containing the same, and their respective quantities, kinds, proofs, and marks; and shall also give a certificate to every such distiller, of the quantity and particulars of such old stock in his or her possession, and a separate certificate for each cask, case, or vessel, describing the same; which certificate shall accompany the same wheresoever it shall be sent.’ And such distiller, his or her agent or manager, upon the sale and delivery of any of the said spirits, shall deliver to the purchaser or purchasers thereof the certificate or certificates that ought to accompany the same, on pain of forfeiting fifty dollars for each cask, case, or vessel, with which such certificate shall not be delivered.’

“*Sect. 27, line 4.* Expunge ‘within whose district,’ substitute ‘at the port where.’

“*Line 5.* Expunge from the word ‘herein,’ to the word ‘and,’ in the 10th line, and substitute ‘before directed; touching such spirits as shall be in the possession of distillers on the first day of July next, and shall grant the like certificates therefor as for such spirits: which certificates shall accompany the respective casks, cases, and vessels, to which they shall relate, wheresoever they shall be sent; and such importer, his or her agent, upon the sale and delivery of any of the said spirits, shall deliver, to the purchaser or purchasers thereof, the certificate or certificates which ought to accompany the same, on pain of forfeiting fifty dollars for each cask, case, or vessel, with which such certificate shall not be delivered.’

“*Sect. 28.* Expunge the whole section.

“*Sect. 29, line 1.* Expunge from the word ‘any’ to the word ‘it,’ in the 3d line, and substitute ‘cask, case, or vessel, containing distilled spirits, which, by the foregoing provisions of this act, ought to be marked and accompanied with a certificate, shall be found in the possession of any person, unaccompanied with such marks and certificate.’

“*Sect. 30, line 2.* Expunge ‘district,’ substitute ‘survey.’

“*Line 4.* Expunge ‘by the said wholesale dealers.’

“*Sect. 31.* Expunge the whole section.

“*Sect. 33, line 2.* Expunge ‘dealer, or.’

“*Line 6.* Expunge ‘dealer,’ substitute ‘distiller.’ At the end of the section, add, ‘*Provided*, that nothing in this section contained shall be construed to extend to casks or vessels capable of

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containing two hundred gallons and upwards, and which are not intended to be removed.'

"Sect. 34, lines 9, 10. Expunge 'in the presence of a constable, or other officer of the peace.'

"Sect. 35, line 2. After 'liquors,' insert 'except gin or cordials in cases, jugs, or bottles.'

"Line 9. Expunge 'such.'

"Sect. 37, line 1. Expunge 'dealer by wholesale, or.'

"Line 5. Expunge 'or on a paper.'

"Line 9. Expunge 'and papers.'

"Lines 10, 11. Expunge 'dealers and' expunge 'inspectors,' S. Jour  
substitute 'supervisors.' p. 266

"Line 17. Expunge 'and papers.'

"Line 18. Expunge 'dealers and.'

"Line 19. Expunge 'and papers.'

"Line 20. Expunge 'dealers and.'

"Line 22. Expunge 'dealers and.'

"Lines 23, 24. Expunge 'dealer or.'

"Line 24. Expunge 'paper, or papers.'

"Sect. 39, line 5. Expunge 'which words may be expressed by their respective initials.'

"Sect. 40, line 2. Expunge 'inspector,' insert 'supervisor.'

"Line 9. Expunge 'inspector,' substitute 'officer.'

"Line 18. Expunge 'or other.'

"At the end of the section, add, 'And provided, also,—That if it shall appear from the verdict of the jury, that any such prejudice or waste was sustained by the negligence of the officer, he shall be responsible therefor to the United States.'

"Sect. 41, line 1. Expunge 'inspector,' substitute 'supervisor.'

"Sect. 43, line 1. Expunge 'inspector,' substitute 'supervisors.'

"Sect. 44, line 4. After the word 'and,' insert 'unless brought in a court of the United States.'

"Line 4. Expunge the word 'proper.'

"Sect. 45, line 1. Expunge the word 'all.'

"Line 5. After the word 'incurred,' insert 'at any time within one year, after the last day of June next.'

"Line 6. Expunge 'manner,' insert 'way.'

"Line 10. After the word 'thereof,' expunge to the end of the section, and substitute 'and shall cause the facts which shall appear upon such inquiry to be stated and annexed to the petition, and direct their transmission to the secretary of the treasury of the United States, who shall thereupon have power to

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mitigate or remit such penalty or forfeiture, if it shall appear to him that such penalty or forfeiture was incurred without wilful negligence, or any design or intention of fraud, and to cause any spirits which may have been seized, to be restored to the proprietor or proprietors, upon such terms and conditions as shall appear to him reasonable.'

"Sect. 46, line 11. Expunge 'district,' substitute 'survey.'

"Sect. 49, line 2. Expunge 'inspector or,' substitute 'supervisor or other.'

"Sect. 50, line 1. Expunge 'inspector or,' substitute 'supervisor or other.'

"Line 5. The same amendment.

"Sect. 51, line 1. Expunge 'such inspector or,' substitute 'supervisor or other.'

"Line 8. Expunge 'inspector,' substitute 'supervisor or other.'

"Sect. 52. Expunge the whole section.

"Sect 55, line 6. After 'casks,' insert 'vessels.'

"Line 11. The same.

"Line 15. The same.

"Line 17. After 'cask,' insert 'vessel.'

"Sect. 56, line 7. After 'paid,' insert 'or secured to be paid.'

"Lines 14, 15. Expunge 'according to the late treaty of peace with Great Britain.'

"Sect. 58, line 16. From the word 'inspection,' expunge the remainder of the section.

"Sect. 61, lines 3, 4. Expunge 'any justice of the peace, or court of any state of competent jurisdiction or,' substitute the word 'the.' Expunge the proviso.

"Sect. —. After section 61, insert—'And be it further enacted—That it shall and may be lawful for the President, from time to time, to make such allowances to the said supervisors, inspectors, and to the deputies and officers by them to be appointed and employed, for their respective services in the execution of this act, to be paid out of the product of the said duties, as he shall deem reasonable and proper: *Provided, always*—That the aggregate amount of the allowance to all the said supervisors, inspectors, deputies, and other officers, shall not exceed five *per cent.* of the said product, computed throughout the United States; and such allowance shall continue to be paid, until altered by law.'

"Sect. 62, line 4. After 'districts,' insert 'and surveys.'

"Sect. 63, line 3. Expunge 'they are,' substitute 'is.'

"Line 16. After the first word 'of,' expunge to the word 'and,' in the 19th line, and substitute 'towards such purposes for which

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appropriations shall be made during the present sessions.' Expunge the proviso, and add to it the sixty-fifth section.

"Sect. 64, line 2. Expunge 'each;' insert 'this, and every succeeding.'

"Line 7. Expunge 'to;' insert 'for.'

"The sections to be numbered to correspond with the amendments."

Consider-  
ed in the  
House.

These amendments being communicated to the House of Representatives, they were, on the 15th, committed to a committee of the whole house; and, on the 17th, that committee was discharged from their further consideration; and the house proceeded to consider them, disagreeing to some, and agreeing to others, until the hour of adjournment. On the 18th, the subject being under consideration, the amendment to the 61st section, expunging the words "any justice of the peace, or court of any state of competent jurisdiction;" and also, substituting the word 'the,' and expunging the proviso, was read, when a motion was made to amend the amendment, by striking out the whole of the said 61st section, which stood thus:—

"And be it further enacted—That the prosecution for all fines, penalties, and forfeitures, incurred by force of this act, and for all duties payable in virtue thereof, and which shall not be duly paid, shall and may be had before any justice of the peace, or court of any state, of competent jurisdiction, or court of the United States, of the district in which the cause of action shall arise, with an appeal, as in other cases: *Provided*—That when the cause of action shall exceed in value fifty dollars, the same shall not be cognizable before a justice of the peace only."

This motion to amend the amendment of the Senate, was agreed to, and the section was consequently stricken out. The question to agree to the Senate's amendment, as now amended, was then put, and decided in the affirmative, by the following vote:—

*Ayes*—Messrs. Ames, Baldwin, Benson, Bourne, Cadwalader, Carroll, Clymer, Contee, Fitzsimons, Foster, Gale, Gerry, Gilman, Goodhue, Griffin, Giles, Huntington, Lawrance, Lee, Leonard, Madison, jr., Schureman, Sedgwick, Seney, Sevier, Sherman, Silvester, Sinnickson, Smith, of Maryland, Smith, of South Carolina, Sturges, Sumpter, Trumbull, Wadsworth, Wynkoop.—35.

*Noes*—Messrs. Ashe, Bloodworth, Boudinot, Burke, Floyd, Hartley, Hathorn, Heister, Livermore, Mathews, Moore, Muhlenberg, Parker, Partridge, Van Rensselaer, Scott, Steele, Thatcher, Tucker, White, Williamson.—21.

H. Jou  
p. 397.

Id. p. 1

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amend-  
ments.

On the following day, it was moved to amend the amendment proposed by the Senate, in the form of a new section, to follow section 61, by striking out the words "five *per cent.* of the said produce, computed throughout the United States; and such allowances shall continue to be paid until altered by law;" and inserting, in lieu of the words expunged, these words: "seven *per cent.* of the whole product of the duties arising from the spirits distilled within the United States; and such allowances shall continue to be paid for the space of two years, unless sooner altered by law." And this question was determined in the affirmative, the ayes and noes being as follows:—

*Ayes*—Messrs. Ashe, Baldwin, Bloodworth, Boudinot, Bourne, Brown, Burke, Carroll, Contee, Floyd, Gilman, Griffin, Grout, Giles, Hartley, Hathorn, Heister, Jackson, Lee, Livermore, Matthews, Moore, Muhlenberg, Parker, Van Rensselaer, Scott, Seney, Sevier, Silvester, Smith, of Maryland, Sumpter, Tucker, Vining, White.—34.

*Noes*—Messrs. Ames, Benson, Cadwalader, Clymer, Fitzsimons, Foster, Gerry, Goodhue, Huntington, Lawrance, Leonard, Partridge, Schureman, Sherman, Sinnickson, Smith, of South Carolina, Sturges, Thatcher, Trumbull, Wynkoop.—20.

Amend-  
ments  
agreed to.

The amendment as amended was then agreed to. And all the other amendments of the Senate were then agreed to. H. Journal, p. 384, 385.

The decision of the House concerning the amendments was communicated to the Senate, accompanied by a suggestion "that, in the 10th, 11th, 40th, and 43d sections of the bill, there appear to be sundry omissions of corresponding amendments, which are rendered necessary in consequence of other amendments to the same sections."

The resolutions transmitted to the Senate by the House were as follows:—

"*Resolved*—That this house doth disagree to the amendment to the 34th section, and doth agree to the amendments to all the other sections, as far as the 58th section inclusive, with amendments to several of the said amendments, as follow:— S. Journal, p. 274, 275.

"*Sect. 3.* First amendment, transpose it so as to come in after the word 'fifty,' in the third line of the section.

"*Sect. 4.* In the first of the three sections proposed by the Senate, to be inserted in lieu of the fourth section, and in the second line, strike out 'thirteen,' and insert 'fourteen.'

"*Sect. 27.* First amendment, in the words proposed by the Senate, to be substituted in lieu of the words stricken out, strike out 'at the port where,' insert 'within whose survey.'"

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*“Resolved—That this house doth agree to the amendment to the first section, with an amendment, by striking out, in addition to the words proposed to be stricken out by the Senate, the whole of the said section, without any substitute:—*

*“Resolved—That this house doth agree to all the other amendments proposed by the Senate to the before-mentioned bill, with an amendment to the section, which is proposed to follow the 61st section, as followeth: strike out from the word ‘exceed,’ in the seventh line, and insert ‘seven per cent. of the whole product of the duties arising from the spirits distilled within the United States, and such allowances shall continue to be paid for the space of two years, unless sooner altered by law.’”*

Proceed-  
ings on the  
amend-  
ments in  
the Senate.

The Senate then took up the subject for consideration, and receded from all their amendments disagreed to by the House of Representatives, and agreed to those of the House, except to the amendment proposed to follow the 61st section; to which the Senate agreed, amended as follows: “seven *per cent.* of the whole product of the duties arising from spirits distilled within the United States, and such allowances shall continue to be paid, *until altered by law.*”

The Senate also adopted the amendments suggested by the House to render the 10th, 11th, 40th, and 43d sections consistent and intelligible.

Disagree-  
ment.

The House, on the 22d, disagreed to the alteration made by the Senate, in the amendment proposed to follow the 61st section, by the following vote:—

H. Jor  
p. 386,

*Ayes*—Messrs. Ashe, Baldwin, Bloodworth, Boudinot, Bourne, Brown, Burke, Carroll, Contee, Floyd, Griffin, Grout, Giles, Hartley, Hathorn, Heister, Jackson, Lee, Livermore, Madison, jr., Mathews, Moore, Muhlenberg, Parker, Van Rensselaer, Scott, Seney, Silvester, Smith, of Maryland, Steele, Stone, Sumpter, Tucker, Vining, White, Williamson.—36.

*Noes*—Messrs. Ames, Benson, Cadwalader, Clymer, Fitzsimons, Foster, Gale, Gerry, Goodhue, Huntington, Lawrance, Leonard, Partridge, Schureman, Sedgwick, Sevier, Sherman, Sinnickson, Smith, of South Carolina, Sturges, Thatcher, Trumbull, Wadsworth, Wynkoop.—24.

The further amendments of the Senate were then agreed to.

House in-  
sist.

The resolution of the House of Representatives to insist on their amendment to the last clause of the section, proposed by the Senate to follow the 61st section, was taken up by the Se-

S. Jor  
p. 375

Senate in-  
sist.

nate on the 23d, when it was moved that the Senate insist on

## CHAP. III.

## National Revenue—Duties on Spirits.

1791.

2d Congress.  
1st Session.

their amendment to the amendment of the House; which motion was decided in the affirmative by the following vote:—

*Yeas*—Messrs. Bassett, Butler, Dalton, Dickinson, Ellsworth, Elmer, Foster, Johnson, Izard, Morris, Read, Schuyler, Stanton, Strong.—14.

*Nays*—Messrs. Carroll, Few, Hawkins, Henry, Johnston, Lee, Maclay, Monroe, Wingate.—9.

Confer-  
ence.

A resolution was then adopted, desiring a conference with the House of Representatives, on the subject of disagreement, and Messrs. Ellsworth, King, and Morris, were appointed managers on the part of the Senate. On the part of the House, Messrs. Boudinot, White, and Livermore, were appointed managers. S. Journal,  
p.388.391.

Report.  
House re-  
solved.

On the 25th, Mr. Boudinot made a report from the managers on the part of the House, when it was moved that the House recede from their disagreement to the amendment last proposed by the Senate, and agree to it, amended to read as follows: “Seven *per cent.* of the whole product of the duties arising from the spirits distilled within the United States: *And provided, also*—That such allowances shall not exceed the annual amount of forty-five thousand dollars, until the same shall be further ascertained by law.”

The question being put on this motion, it was determined in the affirmative by the following vote:—

*Ayes*—Messrs. Ames, Benson, Boudinot, Bourne, Cadwalader, Clymer, Fitzsimons, Foster, Gale, Gerry, Gilman, Goodhue, Hartley, Huntington, Lawrance, Leonard, Partridge, Schureman, Scott, Sedgwick, Sevier, Sherman, Sinnickson, Smith, of South Carolina, Sturges, Thatcher, Trumbull, Vining, Wadsworth, Wynkoop.—30. Id. p. 392.

*Noes*—Messrs. Ashe, Baldwin, Bloodworth, Brown, Burke, Carroll, Contee, Floyd, Griffin, Grout, Giles, Jackson, Lee, Livermore, Madison, jr., Mathews, Moore, Muhlenberg, Parker, Van Rensselaer, Seney, Silvester, Smith, of Maryland, Steele, Stone, Sumpter, Tucker, White, Williamson.—29.

Mr. Ellsworth made a report to the Senate from the managers on the part of that body, on the same day, which was taken up for consideration on the 26th, when the amendment made by the House was accepted. S. Journal,  
p.288.290.

2d Congress.  
1st Session.

On the subject of carrying this bill into effect, the following message was transmitted to the two houses of Congress, on the 1st of November, 1791:— 1791.



## CHAP. III.

## National Revenue—Arrangement as to Excise.

1791.

2d Congress.  
1st Session.Message  
from Presi-  
dent.*"Gentlemen of the Senate, and of the House of Representatives:—*

*"I send you, herewith, the arrangement which has been made by me, pursuant to the act, entitled, 'An act repealing, after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad, and laying others in their stead, and also upon spirits distilled within the United States, and for appropriating the same,' in respect to the subdivision of the several districts, created by the said act, into surveys of inspection, the appointment of officers for the same, and the assignment of compensations.*

S. Journal,  
p. 332.

"G. WASHINGTON.

*"United States, October 31, 1791."*

The arrangement respecting the collection of the excise is as follows:—

Arrangement  
of districts, ap-  
pointment  
of supervi-  
sors, &c.

*"An arrangement made by the President of the United States, with re- spect to the subdivisions of the several districts thereof into surveys, the appointment of officers, and the assignment of compensations, pursuant to the Act of Congress, passed the third day of March, 1791, entitled 'An Act repealing, after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad, and laying others in their stead, and also upon spirits distilled within the United States, and for appropriating the same.'*

Id. p. 333.

"New Hampshire forms one survey of inspection. The duties of inspector are performed by the supervisor: to this office Joshua Wentworth has been appointed. His compensation is a salary of five hundred dollars, and a commission of one half *per centum*.

"Massachusetts forms three surveys of inspection. No. 1 consists of the province of Maine; No. 2, of the counties of Essex, Middlesex, Worcester, Hampshire, and Berkshire; No. 3, of the residue of the state. Nathaniel Gorham has been appointed supervisor: his compensation is a salary of eight hundred dollars, and a commission of one half *per cent*. The supervisor performs the duties of inspector of survey No. 1. Jonathan Jackson has been appointed inspector of survey No. 2; and Leonard Jarvis for survey No. 3. The compensation to each of these inspectors is a salary of five hundred dollars, and a commission of one half *per cent*.

"Rhode Island forms one survey. The duties of inspector are performed by the supervisor. John S. Dexter has been appointed to this office, with an allowance of a salary of five hundred dollars, and a commission of one half *per cent*.

2d Congress.  
1st Session.

Arrangement  
of  
districts,  
&c.

"Connecticut forms one survey. The duties of inspector are performed by the supervisor, who is John Chester. His compensation is a salary of six hundred dollars, and a commission of one half *per cent*.

"Vermont forms one survey, of which the supervisor performs the duties of inspector. Noah Smith has been appointed to this office: his allowance is a salary of four hundred dollars, and a commission of one half *per cent*.

"New York forms one survey, of which the supervisor acts as inspector. William S. Smith has been appointed to this office, with a salary of eight hundred dollars, and a commission of one half *per cent*.

"New Jersey forms one survey. The supervisor performs the duties of inspector. To this office, Aaron Dunham has been appointed: his compensation is a salary of four hundred dollars, and a commission of one half *per cent*.

"Pennsylvania forms four surveys. No. 1 consists of the city and county of Philadelphia, and the counties of Bucks and Montgomery; No. 2, of the counties of Berks, Northampton, Luzerne, and Northumberland; No. 3, of the counties of Delaware, Chester, Lancaster, York, Dauphin, Cumberland, Franklin, Mifflin, and Huntingdon; No. 4, of the counties of Bedford, Westmoreland, Washington, and Alleghany: The supervisor for the district, George Clymer, acts as inspector of survey No. 1: his compensation is a salary of one thousand dollars, and a commission of one half *per cent*. James Collins has been appointed inspector of survey No. 2; Edward Hand of survey No. 3, and John Neville of survey No. 4. The allowance to each of these inspectors is a salary of four hundred and fifty dollars, and a commission of one *per cent*.

"Delaware forms one survey, of which the supervisor acts as inspector. His compensation is a salary of four hundred dollars, and a commission of one *per cent*. Henry Latimer, who was appointed supervisor, has resigned his office.

"Maryland forms two surveys. No. 1 comprehends the counties of St. Mary, Somerset, Calvert, Queen Anne, Caroline, Kent, Charles, Talbot, Dorchester, Baltimore, Anne Arundel, Worcester, Hertford, Cecil, and Prince George. No. 2 consists of the counties of Montgomery, Washington, Frederick, and Alleghany. The supervisor of the district, George Gale, officiates as inspector of survey No. 1. His compensation is a salary of seven hundred dollars, and a commission of one *per cent*. Philip Thomas has been appointed inspector of survey No. 2, with a sa-

a Congress.  
at Session.

Arrange-  
ment of  
Districts,  
to.

lary of four hundred and fifty dollars, and a commission of one *per cent*.

“ Virginia has been divided into seven surveys of inspection. No. 1 consists of the counties of Lancaster, Northumberland, Richmond, Westmoreland, King George, Caroline, Hanover, Henrico, Charles city, James city, Warwick, Elizabeth city, York, Gloucester, Mathews, Middlesex, Essex, King and Queen, King William, and New Kent; No. 2, of the counties of Stafford, Prince William, Fairfax, Loudon, Fauquier, Culpeper, Orange, Albemarle, Louisa, and Spottsylvania; No. 3, of the counties of Goochland, Fluvanna, Amherst, Bedford, Franklin, Henry, Patrick, Pittsylvania, Halifax, Charlotte, Mecklenburg, Lunenburg, Nottoway, Amelia, Powhatan, Cumberland, Buckingham, Prince Edward, and Campbell; No. 4, of the counties of Princess Anne, Chesterfield, Norfolk, Isle of Wight, Sussex, Surry, Prince George, Dinwiddie, Brunswick, Greenville, Southampton, Nansemond, Accomack, and Northampton; No. 5, of Frederick, Berkley, Hampshire, Hendy, Monongalia, Ohio, Harrison, Randolph, Pendleton, Augusta, Rockingham, and Shenandoah; No. 6, of the counties of Rockbridge, Botetourt, Montgomery, Wythe, Washington, Russell, Greenbriar, and Kanawha; No. 7 consists of the district of Kentucky: Edward Carrington has been appointed supervisor, with a salary of one thousand dollars, and a commission of one *per centum*. Drury Ragsdale has been appointed inspector of survey No. 1; Edward Stevens of No. 2; Mayo Carrington of No. 3; Thomas Newton of No. 4; Edward Smith of No. 5; James Breckenridge of No. 6; and Thomas Marshal of No. 7. The compensation to these officers is to each a salary of four hundred and fifty dollars, and a commission of one *per cent*.

S. Jour  
p. 334.

“ North Carolina forms five surveys. No. 1 consists of the counties of Wilmington, Anslow, New Hanover, Brunswick, Bladen, Duplin, Anson, Richmond, Moore, Cumberland, Robertson, and Sampson; No. 2, of the counties of Carteret, Hyde, Beaufort, Pitt, Craden, Jones, Dobbs, Johnson, and Wayne; No. 3, of the counties of Kurrituck, Camden, Pasquotank, Perquimans, Chowan, Gates, Hartford, and Tyrrel; No. 4, of the counties of Northampton, Martin, Halifax, Nash, Edgecomb, Warren, Franklin, Caswell, Orange, Randolph, Grandville, Wake, and Chatham; No. 5, of the counties of Mecklenburg, Montgomery, Roan, Iredell, Surrey, Stokes, Rockingham, Guilford, Lincoln, Rutherford, Burke, and Wilkes. William Polk has been appointed supervisor, and a salary of seven hundred dol-

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1st Session.

Arrange-  
ments of  
districts,  
&c.

lars, and a commission of one *per cent.* have been assigned him as a compensation. James Read has been appointed inspector of survey No. 1; John Daves of No. 2; Thomas Benbury of No. 3; John Whitaker of No. 4; and Joseph M<sup>d</sup> Dowel, the elder, of No. 5. The compensation to the inspectors of surveys No. 1, 2, and 3, are to each a commission of two *per centum*, these inspectors being also officers of the customs. A salary of four hundred and fifty dollars, and a commission of one *per cent.* have been assigned as a compensation to the inspectors of surveys, No. 4 and 5, respectively.

“South Carolina forms three surveys. No. 1 consists of the counties of Colleton, Berkley, Washington, Marion, Bartholomew, Charleston, Granville, Hilton, Lincoln, Shrewsbury, Winton, Orange, and Lewisburgh; No. 2, of the counties of Wingaw, Williamsburgh, Liberty, Kingston, Darlington, Chesterfield, Marlborough, Clarendon, Clermont, Lancaster, Kershaw, Richland, Fairfield, Chester, and York; No. 3, of the counties of Edgefield, Abbeville, Newbury, Laurens, Union, Spartanburg, Greenville, and Pendleton. The duties of inspector of survey No. 1, are performed by the supervisor, Daniel Stevens, to whom a salary of seven hundred dollars, and a commission of one *per cent.* have been assigned as a compensation. Benjamin Cudworth has been appointed inspector of survey No. 2, and Sylvanus Walker of No. 3. The compensation assigned to the inspector of survey No. 2, is a salary of three hundred dollars, and a commission of two *per centum*; to the inspector of survey No. 3, a salary of four hundred and fifty dollars, and a commission of one *per cent.*

“Georgia forms one survey. The supervisor, John Matthews, officiates as inspector: the compensation assigned him is a salary of five hundred dollars, and a commission of one *per cent.*

“The commission, in each case, is computed upon the nett product of the duties on spirits distilled within the jurisdiction of the officer to whom it is allowed; which nett product is determined by deducting, at each stage of the compensation, all preceding charges.

“With regard to the ports, the following arrangements have been made:—At the ports at which there are both a collector and a surveyor, the latter has been appointed an inspector; where there is a collector only, he has been appointed; and where there is a surveyor only, he has been appointed. The ports at which neither collector nor surveyor resides, have been placed under the inspection of the collector or surveyor of the district to which

1st Congress.  
1st Session.

Arrangement of  
districts,  
&c.

they belong, as the one or the other is the inspector of the revenue for the port where he resides. The duties of these inspectors are confined to spirits imported from abroad; and, as they bear an analogy to those which they have been accustomed to perform, no compensation has been assigned. The officers, directed by the 18th section of the law to be appointed by the supervisors, have been denominated, collectors of the revenue. Their number has been of necessity left to the discretion of the supervisor, with these general intimations, that they should be, in all cases, as few as the proper execution of the business would permit; and that, in regard to the collection of the duties on stills, one for each county would suffice: but this regulation necessarily varies as the stills are more or less dispersed. Where they are much scattered, two, three, or more counties, have been assigned to the same person. The compensation to these officers is a commission on the sums collected by each, of *two per centum* on the product of the duties on spirits distilled from foreign materials; and of *four per centum* on the product of the duties arising from spirits distilled from domestic materials, whether per gallon, or by the still. This difference was dictated by the different nature of the business.

S. Journal,  
p. 335.

“By order of the President of the United States.

“ALEXANDER HAMILTON,

“*Secretary of the Treasury.*

“*Treasury Department, October 31, 1791.*”

2d Session.

Supplementary arrangement.

At the second session of this Congress, on the 22d of November, 1792, other arrangements connected with this subject were communicated to the two houses of Congress, accompanied by the following message from the President of the United States:—

1792.

S. Journal,  
p. 460.  
H. Journal,  
p. 625.

“*Gentlemen of the Senate, and of the House of Representatives:—*

“I send you herewith the abstract of a supplementary arrangement which has been made by me, pursuant to the acts of the 3d day of March, 1791, and the 8th day of May, 1792, for raising a revenue upon foreign and domestic distilled spirits; in respect to the subdivisions and officers which have appeared to me necessary, and to the allowances for their respective services to the supervisors, inspectors, and other officers of inspection; together with estimates of the amount of compensations and charges.

“G. WASHINGTON.

“*United States, November 22, 1792.*”

2d Congress.  
2d Session.

Change as  
to North  
Carolina.

On the 28th of January next, the following change in the arrangements as to North Carolina, was communicated in a message addressed by the President of the United States to the two houses of Congress:

S. Journal,  
p. 475.

H. Journal,  
p. 685.

*"Gentlemen of the Senate, and of the House of Representatives:—*

"Since my last communication to you, on the subject of the revenue on distilled spirits, it has been found necessary, in experience, to revise and amend the arrangements relative thereto, in regard to certain surveys, and the officers thereof, in the district of North Carolina; which I have done, accordingly, in the manner following:—

"1st. The several counties of the said district originally and heretofore contained within the first, second, and third surveys, have been allotted into, and are now contained in, two surveys: one of which (to be hereafter denominated the first,) comprehends the town of Wilmington, and the counties of Anslow, New Hanover, Brunswick, Robertson, Sampson, Craven, Jones, Lenox, Glasgow, Johnston, and Wayne; and the other of which (to be hereafter denominated the second,) comprehends the counties of Kurrituck, Camden, Pasquotank, Perquimans, Chowan, Gates, Hartford, Tyrrel, Bertie, Carteret, Hyde, Beaufort, and Pitt.

"2dly. The several counties of the said district originally and heretofore contained within the fifth survey of the district aforesaid, have been allotted into, and are contained in, two surveys, one of which (to be hereafter denominated the third,) comprehends the counties of Mecklenburg, Rowan, Iredell, Montgomery, Guilford, Rockingham, Stokes, and Surrey; and the other of which (to be hereafter denominated the fifth,) comprehends the counties of Lincoln, Rutherford, Burke, Buncombe, and Wilkes.

"3dly. The duties of inspector of the revenue, in and for the third survey, as constituted above, are to be performed, for the present, by the supervisor.

"4thly. The compensations of the inspector of the revenue for the first survey, as above constituted, are to be a salary of two hundred and fifty dollars *per annum*, and commissions and other emoluments similar to those heretofore allowed to the inspector of the late first survey, as it was originally constituted.

"5thly. The compensations of the inspector of the revenue for the second survey, as above constituted, are to be a salary of one hundred dollars *per annum*, and commissions and other emoluments heretofore allowed to the inspector of the late third survey, as it was originally constituted.

2d Congress.  
2d Session.

Change as  
to North  
Carolina.

"6thly. The compensations of the inspector of the revenue for the fifth survey, as above constituted, are to be a salary of one hundred and twenty dollars *per annum*, and the commissions and other emoluments similar to those heretofore allowed to the inspector of the late fifth survey, as it was originally constituted.

"G. WASHINGTON.

"United States, January 23, 1793."

1st Congress.  
2d Session.

Teas and  
wines.

It will be recollected that the same committee which reported the bill repealing the duties on distilled spirits, received instruction also to prepare and bring in a bill concerning teas, [*Vide* page 342.] Accordingly, on the 22d of February, Mr. Sedgwick, from this committee, presented a bill making further provision for the collection of the duties imposed on teas. This bill was read a first and second time, and was committed to a committee of the whole house. The bill was taken up and considered in committee of the whole, on the 2d of March, and was reported without amendment. It was then ordered to be re-committed to a committee of the whole house immediately. The house then again went into committee on the bill, and reported an amendment, which was agreed to; and the bill was then read a third time and passed, with the following addition to the title, "and for prolonging the term for the payment of the duties on wines."

Bill passed.

The bill was read a first and second time in the Senate, on the 2d of March, and was referred to Messrs. Morris, Langdon, and Schuyler, to consider and report upon it. Mr. Morris reported the bill on the following day, without amendment, and it was passed.

This bill provides that the bond of the importer of the teas, for the payment of the duties, shall be taken, the teas being deposited in a store-house, on which two locks shall be placed, the key of one lock to be kept by the importer, and the key of the other by the inspector, the teas to be taken up on giving new bonds and security, as are described in the bill. The bill also allows twelve months for the payment of the duties on Madeira and other wines, secured by bond.

2d Congress.  
1st Session.

THE subject of teas and spirits required, however, still further legislation, and was, at an early period, brought before the at-

## CHAP. III.

## National Revenue—Duties on Teas and Spirits.

1799.

2d Congress.  
1st Session.Petition  
for time to  
pay duties  
on teas.

tention of the second Congress, by a petition from the merchants of New York, praying to be allowed a further time for the payment of the duties on a quantity of teas which remained unsold. This petition was referred to Messrs. Lawrance, Fitzsimons, and Gerry. A report was made from this committee on the 27th of February. On the 23d of March, the house proceeded to consider this report, and adopted the following resolution:—

H. Journal,  
p. 517.

Resolution.

“*Resolved*—That for all teas imported into the United States since the third day of March, 1791, the duties whereon shall have been bonded, payable in one year, it shall be lawful for the officers of the customs, to whom such bonds were given, to cancel the same, and to take other bonds in lieu thereof, payable in two years from the time of the importation of the teas, for which the same is given: *Provided*—That such teas are deposited with the proper officer, agreeably to the provisions of the act of the 3d of March, 1791.”

Id. p. 545.

Bill to ex-  
tend time,  
passed by  
House.

It was then ordered that Messrs. Lawrance, Fitzsimons, and Gerry prepare and bring in a bill, or bills, pursuant to this resolution. On the 24th of March, accordingly, Mr. Fitzsimons, from this committee, presented a bill “to extend the time heretofore granted for the payment of the duties on certain teas, imported after the third day of March, 1791, which was then read a first and second time, and committed to a committee of the whole house. The bill was considered in committee of the whole, on the 9th of April, and having been considered, was reported without amendment, and, on the 10th, was read a third time, and passed. Having been read a first and second time in the Senate, the bill was referred to Messrs. King, Morris, and Langdon, to consider and report upon it. And on the 18th, this committee reported that it would be inexpedient to pass this bill; and the Senate then rejected the bill.

Id. p. 547.

Id. p. 571.

Rejected  
by Senate.S. Journal,  
p. 423. 429.

Spirits.

In reference to the act repealing the duties on distilled spirits, and laying others in their room, which was passed at the close of the third session of the first Congress, it was found, on experiment, that some change would be necessary to render this measure an efficient and satisfactory source of revenue. Soon after the assembling of the second Congress, measures were put in train to discover how far the operation of the act had realized the expectations of the government. On the 1st of November,

1791.

Secretary  
of treasury  
called on  
for infor-  
mation.

1791, the secretary of the treasury was directed to report to the House of Representatives, such information as he had obtained respecting any difficulties which might have occurred in the exe-

H. Journal,  
p. 446.



2d Congress.  
1st Session.

cution of the act "repealing, after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad, and laying others in their stead; and also upon spirits distilled within the United States, and for appropriating the same," together with his opinion thereupon. And, on the following day, the secretary was further directed "to report whether any, and what, alterations in favour of the spirits which shall be distilled from articles of the growth or produce of the United States, or from foreign articles within the same, can, in his opinion, be made in the act for laying duties upon spirits distilled within the United States, consistently with its main design, and with the maintenance of the public faith." In the mean time, petitions from the distillers of Boston, New York, Baltimore, Salem, Kentucky, Pennsylvania, Providence, Newport, Frederick county, Virginia, &c., were received, praying for modifications of the duties on distilled spirits. On the 6th of March, 1792, the secretary made his report to the house in obedience to the above direction. On the 16th, the report was ordered to be committed to a committee of the whole house, and on the 13th of April, the subject was considered in committee, and several resolutions were then reported, which were, on the 26th, agreed to by the house, as follows:—

H. Jou  
p. 439.  
453.  
458.  
468.

178

H. Jou  
p. 529.  
578. 5

Resolu-  
tions of  
house.

"1. *Resolved*—That, from and after the last day of June next, the present duties on spirits, distilled within the United States, and on stills, shall cease, and that, in lieu thereof, upon all spirits which, after the said day, shall be distilled within the United States, wholly, or in part, from molasses, sugar, or other foreign materials, there shall be paid the duties following; that is to say:—

"For every gallon of those spirits of the first class of proof,

"For every gallon of those spirits of the second class of proof,

"For every gallon of those spirits of the third class of proof,

"For every gallon of those spirits of the fourth class of proof,

"For every gallon of those spirits of the fifth class of proof,

"For every gallon of those spirits of the sixth class of proof,

"And, upon all spirits which, after the said day, shall be distilled within the United States, from materials the growth or produce of the United States, in any city, town, or village, at

agrees. singly, or together, shall be of the capacity of — gallons, or  
 season. upwards, there shall be paid the duties following; that is to say:—  
 sold- of  
 e. “For every gallon of those spirits of the first class of proof,

—,  
 “For every gallon of those spirits of the second class of proof,

—,  
 “For every gallon of those spirits of the third class of proof,

—,  
 “For every gallon of those spirits of the fourth class of proof,

—,  
 “For every gallon of those spirits of the fifth class of proof,

—,  
 “For every gallon of those spirits of the sixth class of proof,

—,  
 “And, upon stills, which, after the said day, shall be employed in distilling spirits from materials of the growth or produce of the United States, at any other place than a city, town, or village, or at any distillery in a city, town, or village, at which there shall be one or more stills, which, singly, or together, shall be of less capacity than — gallons, there shall be paid the yearly duty of — cents for every gallon, English wine measure, of the capacity or content of each and every such still, including the head thereof. *Provided*—That it shall be at the option of the proprietor or possessor of any such still, instead of the said yearly duty, either to pay — cents for every gallon of spirits by him or her distilled, or to pay at the rate of — cents per gallon, of the capacity, for each and every month of the employment of any such still, the said proprietor or possessor previously obtaining a license for that purpose, in which shall be specified the term for which he or she shall think fit to work his or her still or stills.”

“2. *Resolved*—That there be within each county comprehended in any district, at least one office of inspection, at which every person, having or keeping a still or stills within such county, shall, between the last day of May, and the first day of July, in each year, make entry of such still or stills; and at which every person, who, being a resident within the county, shall procure a still or stills, or who, removing within a country, shall bring therein a still or stills, shall, within twenty days after such procuring or removal, and before he or she shall begin to use such still or stills, make entry thereof. And every entry, besides describing each still, and the capacity thereof, shall specify the

2d Congress.  
1st Session.

Resolu-  
tions of  
house.

place where, and the person in whose possession it is, and the purpose for which it is intended, as whether for sale or use in distilling; and, in case of removal, shall specify the place from which every such still shall have been brought.

"3. *Resolved*—That it shall be in the option of every proprietor or possessor of a still, which is chargeable, according to the capacity of a still, either to pay the duty thereupon in money, or an equivalent therefor, in distilled spirits, at the rate of — per gallon: *Provided*—That such option be declared at the previous annual entry of such still, and that it shall be the duty of the said proprietor or possessor, to deliver the said spirits at his or her own expense, at the office of inspection, where such entry shall have been made.

"4. *Resolved*—That every proprietor and possessor of a still shall be jointly and severally liable for the duty thereupon, and that every owner of land, upon which any still shall be worked, shall be liable for the duty thereupon, unless the same shall be worked by a lawful and *bona fide* tenant of the land of an estate, not less than for the term of one year, or unless such owner can make it appear that the possessor of, or person by whom such still shall have been worked, was, during the whole time of working the same, a trespasser or intruder on his land.

"5. *Resolved*—That every officer of inspection, within whose survey any distillery of Geneva or sweet cordials, subject to the payment of duty by the gallon, of the spirits distilled therein, may be, shall forbear to visit or inspect, for a space not exceeding two hours in each day, such part of the said distillery as he may be required by the proprietor, possessor, or manager, of such distillery, to forbear to visit and inspect; for which purpose it shall be necessary for the said proprietor, possessor, or manager, to give notice, in writing, to the said officer, describing therein particularly the part of such distillery which it shall be his desire that the said officer may forbear to visit and inspect, and specifying the time of each day for which such forbearance shall be desired. H. Jou  
P. 589

"6. *Resolved*—That it shall be in the discretion of the secretary of the treasury to regulate, as well the marks to be set upon the casks, vessels, and packages, containing distilled spirits, as the forms of the certificates which are to accompany the same; and that when any cask or vessel, in which distilled spirits have been contained, shall have been emptied of its contents, it shall be lawful for the marks thereupon to be effaced by, or in the presence of, an officer of inspection; and if the said cask or

1 Congress.  
1st Session.

Resolu-  
tions of  
House.

vessel shall be afterwards used for putting therein other spirits, the same may be marked anew.

“7. *Resolved*—That, if any distilled spirits, in going from one port to another of the United States, shall be lost by means of shipwreck, the duties thereupon shall be remitted or repaid to the proprietor thereof.

“8. *Resolved*—That, instead of a notice of twenty-four hours, heretofore required to be given, of the intent to export distilled spirits, in order to the benefit of the drawback of the duties thereupon, a notice of six hours shall be sufficient.

“9. *Resolved*—That there be an abatement for leakage, at the rate of two *per cent.* in every case in which the duty shall be payable by the gallon, of the spirits distilled, to be allowed at the distillery where such spirits shall be made.

“10. *Resolved*—That the officer of inspection, within whose survey any still shall be, the duty whereupon is payable according to the capacity of the still, shall identify, by progressive numbers, and other proper marks, every such still within his survey, and the duty thereupon shall operate as a specific lien upon the said still.

“11. *Resolved*—That every distiller of, or dealer in spirits, who may have in his or her possession distilled spirits not marked or certified, pursuant to the act repealing, after the last day of June next, &c., shall, prior to the ——— day of ——— next, report the spirits in his or her possession, in writing, at some office of inspection, to the end that such spirits may be marked and certified as old stock; and that from and after the said ——— day of ——— next, casks and vessels, of the capacity of ——— gallons, and upwards, containing distilled spirits, which shall be found in the possession of any distiller or dealer in spirits, except at a distillery where the same were made, or in going from one place to another, without being marked according to law, or without having a certificate from some proper officer, shall be liable to seizure and forfeiture; and that it shall be the duty of the several officers of inspection, upon request of any dealer or distiller, to take measures for the marking of casks, vessels, and packages, containing distilled spirits, and to furnish such dealer and distiller, free from expense, with certificates to accompany the same: *Provided*—That it shall not be incumbent upon any such officer to mark or certify any cask, vessel, or package, which ought to have been before marked or certified, according to any law of the United States.

2d Congress.  
1st Session.

Resolu-  
tions of  
House.

"12. *Resolved*—That from and after the last day of April, in the year one thousand seven hundred and ninety-three, no distilled spirits shall be brought into the United States from any foreign port or place, except in casks or vessels of the capacity of — gallons and upwards.

"13. *Resolved*—That no drawback of the duty on distilled spirits, which shall be exported after the — day of — next, shall be allowed upon any quantity less than — gallons.

"14. *Resolved*—That after the — day of — next, no distilled spirits shall be brought into the United States from any foreign port or place, in any cask or vessel which shall have been marked pursuant to any law of the United States, concerning distilled spirits, on pain of forfeiture of the spirits so brought, and of the ship or vessel in which they shall be brought.

"15. *Resolved*—That every distiller, at the request of an officer of inspection, shall, by himself, or some other person, aid, or cause to be aided, the said officer, in measuring and marking the still or stills of such distiller, or, in lieu of such aid, shall pay to the said officer — dollars, for each and every still to him or her belonging, which shall be measured by the said officer without such aid.

"16. *Resolved*—That the President be authorized to make such allowances for their respective services, to the supervisors, inspectors, and other officers of inspection, as he shall deem reasonable and proper, so as the said allowances, together with the incidental expenses of collecting the duties on spirits distilled within the United States, shall not exceed seven and a half *per centum* of the total product of the duties on distilled spirits, for the period to which the said allowances shall relate; computing from the time that the act repealing, after the last day of June next, &c., took effect." H. Jou  
p. 590.

Committee  
to prepare  
bill.

It was then ordered that a bill or bills be brought in, pursuant to these resolutions; and Messrs. Fitzsimons, Parker, and Macon, were instructed to prepare and bring in the same.

Bill  
brought in.

On the 27th of April, Mr. Fitzsimons, from this committee, Id. p. : presented a bill concerning the duties on spirits distilled within the United States, which then received its first and second reading, and was committed to a committee of the whole house. On the following day, the bill was considered in committee of the whole, and several amendments were reported to the House; and, on the 30th, these amendments were taken up for consideration. On the question to agree to the amendment of the committee,

## CHAP. III.

## National Revenue—Duties on Spirits.

1792.

2d Congress.  
1st Session.Amend-  
ments of  
the com-  
mittee of  
the whole.

filling up the blank for the amount of duty: "on every gallon of spirits, of the first class of proof, distilled within the United States, from materials of the growth or produce of the United States," with "*eight* cents," the decision was as follows:—

H. Journal,  
p. 592, 593.

*Ayes*—Messrs. Ames, Barnwell, Benson, Boudinot, S. Bourne, B. Bourne, Clarke, Fitzsimons, Gerry, Gilman, Goodhue, Gordon, Hillhouse, Kitchell, Lawrance, Learned, Lee, Jere. Smith, W. Smith, Sterrett, Sturges, Silvester, Thatcher, Tredwell, Wadsworth, Ward.—26.

*Noes*—Messrs. Ashe, Baldwin, Brown, Findley, Gregg, Grove, Heister, Huger, Jacobs, Key, Livermore, Macon, Madison, Moore, Murray, Niles, Page, Parker, Seney, Sheridan, I. Smith, Steele, Sumpter, Tucker, White, Williamson, Willis.—27.

Bill passed  
by House.

It was then determined to fill the blank with "*seven*" cents. Id. p. 594. And, on the first of May, the bill having been further amended, was ordered to be engrossed for a third reading. The blanks having been all filled, on the following day, the bill was read a third time and passed.

Amended  
and passed  
in Senate.

In the Senate, the bill was read a first and second time, on the 2d of May, and was referred to Messrs. Hawkins, Cabot, and Ellsworth. On the 4th, Mr. Hawkins reported some amendments, which were adopted by the Senate, and the bill, as amended, was then read a third time and passed.

S. Journal,  
p. 436, 438.

The amendments of the Senate received, on the 5th, the concurrence of the House. H. Journal,  
p. 598.

Eliphalet  
Ledd's po-  
tition.

The petition of Eliphalet Ledd, praying for the remission of the duties on a small quantity of goods saved from a wreck on the coast of Massachusetts, was presented to the House of Representatives on the 16th of April, 1792, and referred to the secretary of the treasury; and on his report being received on the 20th, Messrs. Fitzsimons, Gerry, and Murray, were appointed

Id. p. 578.

Bill to re-  
mit duties  
on goods  
saved from  
wrecks.

to bring in a bill making a general provision for the case of the petitioner, and others, in similar circumstances. Accordingly, on the 24th of April, Mr. Fitzsimons presented a bill to authorize the remission of certain duties, which was then read a first and second time, and committed; and, on the 1st of May, the bill was considered, read a third time, and passed. In the Senate, the bill received its first and second reading on the same day, and was referred to Messrs. Cabot, King, and Burr; and,

Id. p. 583.

Id. p. 586.

Id. p. 593.

Id. p. 593.

Id. p. 593.

S. Journal,  
p. 435.Rejected  
by Senate.

on the 3d, Mr. Cabot, from this committee, made an unfavourable report, and the bill was rejected. Id. p. 437.

2d Congress.  
2d Session.

Bill concerning duties on spirits, wines, and teas.

A few days before the close of the second session of the second Congress, on the 27th of February, 1793, the House of Representatives appointed Messrs. Fitzsimons, Thatcher, and Tucker, a committee to prepare and bring in a bill making further provision for securing and collecting the duties on foreign and domestic distilled spirits, stills, wines, and teas. And, on the 28th, Mr. Fitzsimons, from this committee, presented a bill of that title and import, which was then read a first and second time, and committed to a committee of the whole house. On the evening of the 2d of March, just before the adjournment of Congress, the house resolved itself into committee of the whole on this bill, and reported that some progress had been made therein. The committee was then discharged from its further consideration, and thus the bill was lost. H. Jour. p. 720.

1st Congress.  
2d Session.

A CONSIDERABLE modification of the imposts was effected during the first Congress, by a bill, of which the following is a history. On the 3d of March, 1790, the House of Representatives adopted the following resolution:— 179

“*Resolved*—That the secretary of the treasury be instructed to report to this house such funds as, in his opinion, may be raised and applied towards the payment of the interest of the debts of the individual states, should they be assumed by Congress.” H. Jour. p. 166.

Payment of interest on U. States' debts.  
Committee report.

On the 14th, the speaker laid before the house a letter from the secretary of the treasury, covering his reports, made in pursuance of the above resolution. And on the 21st of June, 1790, the House of Representatives appointed a committee, consisting of Messrs. Fitzsimons, Madison, Sedgwick, Sherman, and Tucker, to report a plan, making provision for the payment of interest on the debts of the United States. And, on the 29th, Mr. Fitzsimons, from this committee, made a report, which was ordered to be committed to a committee of the whole house. The report was made the subject of consideration by this committee, during the two next succeeding days; and several resolutions were reported, which were considered by the house on the 2d of July, when the following resolutions were adopted:— Id. p. 256.

Resolutions of house.

“*Resolved*—That an addition of thirty-three and one-third cents be made to every one hundred cents of the duties now

## CHAP. III.

## National Revenue—Imports.

1790.

1st Congress.  
2d Session.Resolu-  
tions of  
House.

payable upon goods, wares, and merchandises, imported into the United States.

“That, in addition to the foregoing, there be levied and collected upon the following articles,

|  | CENTS. |
|--|--------|
| “Distilled spirits, per gal., - - - - -    | 1½     |
| “Madeira wine, - - - - -                   | 8      |
| “Other wines, - - - - -                    | 5      |
| “Molasses, - - - - -                       | ½      |
| “Bohea tea, per lb., - - - - -             | 2      |
| “Souchong, and other black teas, - - - - - | 4½     |
| “Hyson tea, - - - - -                      | 5½     |
| “Other green teas, - - - - -               | 4½     |
| “Coffee, - - - - -                         | ¾      |
| “Brown sugar, - - - - -                    | ½      |
| “Loaf sugar, per lb., - - - - -            | 1      |
| “All other sugars, - - - - -               | ½      |
| “Pepper, - - - - -                         | 5      |
| “Pimento, - - - - -                        | 3      |
| “Nutmegs, - - - - -                        | 25     |
| “Mace, - - - - -                           | 25     |
| “Cinnamon, - - - - -                       | 20     |
| “Cloves, - - - - -                         | 12½    |
| “Cassia, - - - - -                         | 10     |

“Resolved—That, after the — day of —, the discount of ten per cent. of the duties on goods, wares, and merchandise, imported in ships or vessels, the property of a citizen or citizens of the United States, be discontinued, and that an addition of ten per cent. be made to the duties on goods, wares, or merchandise, imported in any other ship or vessel.”

Committee  
to prepare  
bill.

Messrs. Fitzsimons, Tucker, and Sherman were then appointed a committee to bring in a bill, or bills, pursuant to these resolutions. H. Journal, p. 269.

Bill passed  
by House.

On the 13th, Mr. Fitzsimons, from this committee, presented a bill “making further provision for the payment of the debts of the United States,” which was then read a first time; and received its second reading, and was committed, in the usual form, on the following day. On the 15th, the bill was considered in committee, and reported without amendment, and being amended in the house, on the next day, was ordered to be engrossed for a third reading. The blanks having been filled up, on the 19th, and the bill having been read the third time, the question on its passage was put, and decided in the affirmative, as follows:—Id. p. 271.

*Ayes*—Messrs. Ashe, Baldwin, Bloodworth, Brown, Burke, Cad-



1st Congress.  
2d Session.

walader, Carroll, Clymer, Coles, Contee, Fitzsimons, Floyd, Gilman, Hartley, Heister, Huntington, Jackson, Lawrance, Livermore, Madison, jr., Mathews, Moore, Muhlenberg, Page, Parker, Van Rensselaer, Scott, Seney, Sevier, Sherman, Silvester, Sinnickson, Steele, Sturges, Sumpter, Tucker, Vining, White, Williamson, Wynkoop.—40.

*Noes*—Messrs. Ames, Benson, Foster, Gale, Gerry, Goodhue, Grout, Leonard, Partridge, Sedgwick, Smith, of Maryland, Smith, of South Carolina, Thatcher, Trumbull, Wadsworth.—15.

Read twice  
in Senate,  
and com-  
mitted.

On the 20th, this bill was read a first time in the Senate, and on the next day it was taken up on the question of its second reading, and committed to Messrs. Lee, Izard, Morris, Ellsworth, and Few. Mr. Lee, from this committee, reported on the 2d of

Amended.

August sundry amendments to this bill, so as to make it read as follows:—

Bill as  
amended.

“Whereas, by an act, entitled ‘An act for laying a duty on goods, wares, and merchandises, imported into the United States,’ divers duties were laid on goods, wares, and merchandise, so imported, for the discharge of the debts of the United States, and the encouragement and protection of manufactures; and whereas the support of government, and the discharge of the said debts, render it necessary to increase the said duties:—

“*Sect. 1. Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*—That, from and after the last day of December next, the duties specified and laid in and by the act aforesaid, shall cease and determine; and that, upon all goods, wares, and merchandise (not herein particularly excepted) which, after the said day, shall be brought into the United States, from any foreign port or place, there shall be levied, collected, and paid, the several and respective duties following; that is to say:—

|   | CENTS. |
|---|--------|
| “Madeira wine, of the quality of London particular, per gallon, - - - - - | 35     |
| “Other Madeira wine, per gallon, - - - - -                                | 30     |
| “Sherry wine, per gallon, - - - - -                                       | 25     |
| “Other wines, per gallon, - - - - -                                       | 20     |

“*Distilled Spirits.*

|   |     |
|---|-----|
| “If more than ten <i>per cent.</i> below proof, according to Dicas’s hydrometer, per gallon, - - -                      | 12  |
| “If under five, and not more than ten <i>per cent.</i> below proof, according to the same hydrometer, per gallon, - - - | 12½ |

SEAF. III.

National Revenue—Imports.

1790.

4 Congress.  
1 Session.Bill as  
mended.

CENTS.

|   |         |    |
|---|---------|----|
| “If of proof, and not more than five <i>per cent.</i> below proof,            |         |    |
| according to the same hydrometer, per gallon,                                 | -       | 13 |
| “If above proof, but not exceeding twenty <i>per cent.</i> ,                  |         |    |
| according to the same hydrometer, per gallon,                                 | -       | 15 |
| “If of more than twenty, and not more than forty <i>per cent.</i>             |         |    |
| above proof, according to the same hydrometer, per gal.,                      |         | 20 |
| “If of more than forty <i>per cent.</i> above proof, according to             |         |    |
| the same hydrometer, per gallon,  | - - -   | 25 |
| “Molasses, per gallon,  | - - - - | 3  |
| “Beer, ale, and porter, in casks, per gallon,                                 | - -     | 5  |
| “Beer, ale, and porter, in bottles, per dozen,                                | - -     | 20 |
| “ <i>Teas from China and India, in ships or vessels of the United States.</i> |         |    |
| “Bohea, per lb.,  | - - - - | 10 |
| “Souchong and other black teas, per lb.,                                      | - - -   | 18 |
| “Hyson, per lb.,  | - - - - | 32 |
| “Other green teas, per lb.,   | - - - - | 20 |
| “ <i>Teas from Europe, in ships or vessels of the United States.</i>          |         |    |
| “Bohea, per lb.,  | - - - - | 12 |
| “Souchong and other black teas, per lb.,                                      | - - -   | 21 |
| “Hyson, per lb.,  | - - - - | 40 |
| “Other green teas, per lb.,   | - - - - | 24 |
| “ <i>Teas from any other place, or in any other ships or vessels.</i>         |         |    |
| “Bohea, per lb.,  | - - - - | 15 |
| “Souchong and other black teas, per lb.,                                      | - - -   | 27 |
| “Hyson, per lb.,  | - - - - | 50 |
| “Other green teas, per lb.,   | - - - - | 30 |
| “Coffee, per lb.,   | - - - - | 4  |
| “Cocoa, per lb.,  | - - - - | 1  |
| “Loaf sugar, per lb.,   | - - - - | 5  |
| “Brown sugar, per lb.,  | - - - - | 1½ |
| “Other sugar, per lb.,  | - - - - | 2½ |
| “Candles of tallow, per lb.,  | - - - - | 2  |
| “Candles of wax or spermaceti, per lb.,                                       | - - -   | 6  |
| “Cheese, per lb.,   | - - - - | 4  |
| “Soap, per lb.,   | - - - - | 2  |
| “Pepper, per lb.,   | - - - - | 4  |
| “Pimento, per lb.,  | - - - - | 4  |
| “Manufactured tobacco, per lb.,   | - - - - | 6  |
| “Snuff, per lb.,  | - - - - | 10 |
| “Indigo, per lb.,   | - - - - | 25 |
| “Cotton, per lb.,   | - - - - | 3  |
| “Nails and spikes, per lb.,   | - - - - | 1  |
| “Bar and other lead, per lb.,   | - - - - | 1  |

| CHAP. III.                   |                     | National Revenue—Imports.  |   |   |   |   | 179    |
|------------------------------|---------------------|--|---|---|---|---|--------|
| 1st Congress.<br>2d Session. | Bill as<br>amended. |  |   |   |   |   | CENTS. |
|                              |                     | " Steel, unwrought, per 112 lbs.,  | - | - | - | - | 75     |
|                              |                     | " Hemp, per 112 lbs.,  | - | - | - | - | 60     |
|                              |                     | " Cables, per 112 lbs.,  | - | - | - | - | 150    |
|                              |                     | " Tarred cordage, per 112 lbs.,  | - | - | - | - | 150    |
|                              |                     | " Untarred cordage and yarn, per 112 lbs.,   | - | - | - | - | 180    |
|                              |                     | " Twine and pack-thread, per 112 lbs.,   | - | - | - | - | 400    |
|                              |                     | " Salt, per bushel,  | - | - | - | - | 12     |
|                              |                     | " Malt, per bushel,  | - | - | - | - | 10     |
|                              |                     | " Coal, per bushel,  | - | - | - | - | 3      |
|                              |                     | " Boots, per pair,   | - | - | - | - | 50     |
|                              |                     | " Shoes, slippers, and golo-shoes, made of leather, per pair,  | - | - | - | - | 7      |
|                              |                     | " Shoes and slippers, made of silk or stuff, per pair,   | - | - | - | - | 10     |
|                              |                     | " Wool and cotton cards, per dozen,  | - | - | - | - | 50     |
|                              |                     | " Playing cards, per pack,   | - | - | - | - | 10     |
|                              |                     | " Coaches, chariots, phaetons, chaises, chairs, solos, or<br>other carriages, or parts of carriages, 15½ per centum<br>ad valorem.   | - | - | - | - |        |
|                              |                     | " All goods, wares, and merchandise (except teas) from<br>China or India, in ships or vessels not of the United<br>States,   | - | - | - | - |        |
|                              |                     | " All China ware,  | - | - | - | - |        |
|                              |                     | " Looking glasses, window and other glass, and all ma-<br>nufactures of glass, (black quart bottles excepted,)   | - | - | - | - |        |
|                              |                     | " Marble, slate, and other stones, bricks, tiles, tables,<br>mortars, and other utensils of marble or slate, and<br>generally all stone and earthenware,   | - | - | - | - |        |
|                              |                     | " Blank books,   | - | - | - | - |        |
|                              |                     | " Writing-paper, and wrapping-paper, paper hangings,<br>paste-boards, parchment, and vellum,   | - | - | - | - |        |
|                              |                     | " Pictures and prints,   | - | - | - | - |        |
|                              |                     | " Painters' colours, including lamp-black, except those<br>commonly used in dyeing,  | - | - | - | - |        |
|                              |                     | " Gold, silver, and plated ware,   | - | - | - | - |        |
|                              |                     | " Gold and silver lace,  | - | - | - | - |        |
|                              |                     | " Jewellery and paste work,  | - | - | - | - |        |
|                              |                     | " Clocks and watches,  | - | - | - | - |        |
|                              |                     | " Shoe and knee-buckles,   | - | - | - | - |        |
|                              |                     | " Groceries, (except the articles before enumerated,)<br>namely: cinnamon, cloves, mace, nutmegs, ginger,<br>anniseed, currants, dates, figs, plums, prunes, rais-<br>ins, sugar candy, oranges, lemons, limes, and<br>generally all fruits and comfits, olives, capers, and<br>pickles of every sort, | - | - | - | - |        |
|                              |                     | " Oil,   | - | - | - | - |        |
|                              |                     | " Gunpowder,   | - | - | - | - |        |
|                              |                     | " Mustard in flour,  | - | - | - | - |        |

12½ per centum  
ad valorem.

10 per centum ad valorem.

S. Jour.  
p. 197.

| CAP. III.             |  | National Revenue—Imports.  |   |   |   |   |   |   |   |   |   | 1790.                       |
|-----------------------|--|--|---|---|---|---|---|---|---|---|---|-----------------------------|
| Congress.<br>Session. |  | “ Cabinet wares, - - - - -   | - | - | - | - | - | - | - | - | - | } 7½ per centum ad valorem. |
|                       |  | “ Buttons, - - - - -   | - | - | - | - | - | - | - | - | - |                             |
| Bill as<br>ended.     |  | “ Saddles, - - - - -   | - | - | - | - | - | - | - | - | - |                             |
|                       |  | “ Gloves of leather, - - - - -   | - | - | - | - | - | - | - | - | - |                             |
|                       |  | “ Hats of beaver, felt, wool, or a mixture of any of them, - - - - -   | - | - | - | - | - | - | - | - | - |                             |
|                       |  | “ Millinery, ready made, - - - - -   | - | - | - | - | - | - | - | - | - |                             |
|                       |  | “ Castings of iron, and slit and rolled iron, - - - - -  | - | - | - | - | - | - | - | - | - |                             |
|                       |  | “ Leather, tanned or tawed, and all manufactures of which leather is the article of chief value, except such as are herein otherwise rated, - - - - -  | - | - | - | - | - | - | - | - | - |                             |
|                       |  | “ Canes, walking sticks, and whips, - - - - -  | - | - | - | - | - | - | - | - | - |                             |
|                       |  | “ Clothing, ready made, - - - - -  | - | - | - | - | - | - | - | - | - |                             |
|                       |  | “ Brushes, - - - - -   | - | - | - | - | - | - | - | - | - |                             |
|                       |  | “ Anchors, - - - - -   | - | - | - | - | - | - | - | - | - |                             |
|                       |  | “ All wares of tin, pewter, or copper, all or any of them, - - - - -   | - | - | - | - | - | - | - | - | - |                             |
|                       |  | “ Medicinal drugs, except those commonly used in dyeing carpets and carpeting, - - - - -   | - | - | - | - | - | - | - | - | - |                             |
|                       |  | “ All velvets, velerets, satins, and other wrought silks, cambrics, muslins, muslinets, lawns, laces, gauzes, chintzes, and coloured calicoes, and nankeens, - - - - -   | - | - | - | - | - | - | - | - | - |                             |
|                       |  | “ All other goods, wares, and merchandise, except bullion, tin in pigs, tin in plates, old pewter, brass, tutenague, iron and brass wire, copper in plates, saltpetre, plaster of Paris, wool, dyeing woods and dyeing drugs, raw hides and skins, furs of every kind, the sea stores of ships or vessels, the clothes, books, household furniture, and the tools or implements of the trade or profession of persons who come to reside in the United States, philosophical apparatus, specially imported for any seminary of learning, all goods intended to be re-exported to a foreign port or place in the same ship or vessel in which they shall be imported, and, generally, all articles of the growth, produce, or manufacture of the United States, five per centum ad valorem. |   |   |   |   |   |   |   |   |   |                             |

*" Sect. 2. And be it further enacted—That an addition of ten per centum shall be made to the several rates of duties above specified and imposed, in respect to all goods, wares, and merchandise, which, after the said last day of December next, shall be imported in ships or vessels not of the United States, except in the cases in which an additional duty is herein before specially laid on any goods, wares, or merchandise, which shall be imported in such ships or vessels.*

***“ Sect. 3. And be it further enacted—That all duties which shall be paid, or secured to be paid, by virtue of this act, shall be returned or discharged, in respect to all such goods, wares, or merchandise, whereupon they shall have been so paid, or secured***

1st Congress.  
2d Session.

Bill as  
amended.

to be paid, as, within twelve calendar months after payment made, or security given, shall be exported to any foreign port, or place, except one *per centum* on the amount of the said duties, which shall be retained as an indemnification for whatever expense may have accrued concerning the same.

“*Sect. 4. And be it further enacted*—That there shall be allowed and paid, on dried and pickled fish, of the fisheries of the United States, and on other provisions salted within the said states, which, after the said last day of December next, shall be exported therefrom to any foreign port, or place, in lieu of a drawback of the duty on the salt which shall have been expended thereupon, according to the following rates; namely:—

“Dried fish, per quintal, - - - - - 9 cents.

“Pickled fish, and other salted provisions, per barrel, - - - - - 9 cents.

“*Sect. 5. And be it further enacted*—That where duties by this act are imposed, or drawbacks allowed, on any specific quantity of goods, wares, and merchandise, the same shall be deemed to apply in proportion to any quantity less than such specific quantity.

“*Sect. 6. And be it further enacted*—That all duties which, by virtue of the act, entitled ‘An act for laying a duty on goods, wares, and merchandise, imported into the United States,’ accrued between the time specified in the said act for the commencement of the said duties, and the respective times when the collectors entered upon the duties of their respective offices in the several districts, be, and they are hereby, remitted and discharged; and that, in any case in which they may have been paid to the United States, restitution thereof shall be made.

“*Sect. 7. And be it further enacted*—That the several duties imposed by this act shall continue to be collected and paid, until the debts and purposes for which they are pledged and appropriated shall be fully discharged: *Provided*, That nothing herein contained shall be construed to prevent the legislature of the United States from substituting other duties, or taxes of equal value to any or all of the said duties and impost.

Motions to  
amend.

It was moved, on the 4th, to amend the report so as that a duty of 6 cents may be collected on every pound of cotton imported, instead of 3 cents; but the motion was decided in the negative.

It was then moved to amend the report, so as that a duty may be collected on every 112 lbs. of imported cables and tarred

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cordage, of 120, instead 150 cents; but this motion was also determined in the negative.

The like success attended another motion to amend the report, so as that the duty on every bushel of imported salt should be 8 cents, instead of 12 cents; and, also, a subsequent motion to amend the report, so as that the drawback on every quintal of dried fish should be 10, instead of 9 cents; and on every barrel of pickled fish, and other salted provisions, should be 10 cents instead of 9 cents.

The report of the committee was then adopted as an amendment to the bill, and it was ordered, as amended, to pass to the third reading. S. Journal,  
p. 198, 199.

On the 5th, the Senate proceeded to the third reading of this bill. It was then moved to reduce the duty on every 112 lbs. of imported hemp, from 60 to 50 cents; which motion was decided in the negative. A motion was then made to reconsider this question, which was agreed to; and a motion to reduce the duty to 54 cents on every 112 lbs. of hemp was successful. It was then agreed to amend the bill, so that the duty on every 112 lbs. of imported cables and tarred cordage should be 100 cents, instead of 150 cents; on untarred cordage and yarn, 150 cents for every 112 lbs., instead of 180 cents; and on every 112 lbs. of twine and pack-thread, 300, instead of 400 cents.

It was then moved and agreed to, that the following clause, to wit: "All goods, wares, and merchandise, (except teas,) from China or India, in ships or vessels not of the United States," should be amended and transposed, so as to succeed the word "nankeens," the last of the enumerated articles, as follows:—"all goods, wares, and merchandise, imported directly from China or India, in ships or vessels not of the United States, (teas excepted,) 12½ *per centum ad valorem*."

An amendment was also adopted in the following clause, and on "all wares of tin, pewter, or copper, all or any of them; medicinal drugs, (except those commonly used in dyeing,) carpets, and carpeting, all velvets, velerets, satins, and other wrought silks, cambrics, muslins, muslinets, lawns, laces, gauzes, chintzes, and coloured calicoes, and nankeens," the duty was changed from 5½ to 7½ *per centum ad valorem*.

A motion to amend the last clause of the first section, by inserting the word "undressed," between the words "skins," and "furs," was agreed to.

In the fifth section of the amendments, it was then agreed to insert, between the words "quantity," and "less," the words "greater or."

1st Congress.  
2d Session.

The motion to amend the report, by making the drawback on every quintal of dried fish, exported, 10 cents, instead of 9 cents, and on every barrel of pickled fish and salted provisions, 10 cents, instead of 9 cents, was renewed, and was agreed to.

Bill passed.

It was then resolved that the bill do pass in its amended form.

House con-  
sider a-  
mend-  
ments.

The House of Representatives proceeded, on the 5th, to consider the amendments of the Senate, and resumed their consideration on the following day. It was then resolved that the House agree to all the amendments, with amendments to the second amendment, as follows:—

H. Jou  
p. 291

“Page 2d, line 21st. Strike out ‘under,’ and insert ‘more than.’

“Page 4, line 27. Strike out ‘all goods, wares, merchandise, (except teas,) from China or India, in ships or vessels not of the United States.’

“Page 6, line 32. Insert, as an additional clause, ‘all coaches, chariots, phaetons, chaises, chairs, solos, or other carriages, or parts of carriages, fifteen and a half *per centum ad valorem*.’

“Same page and line, prefix to the last clause ‘and five *per centum ad valorem* upon,’ and strike out the words ‘five *per centum ad valorem*,’ at the end of the same.”

It was then moved to amend the report by striking out the words “twelve cents,” for the duty on salt; which motion was decided in the negative, as follows:—

*Ayes*—Messrs. Ashe, Baldwin, Bloodworth, Brown, Burke, Id. p. Coles, Foster, Goodhue, Grout, Hathorn, Huger, Jackson, Leonard, Madison, jr., Mathews, Moore, Muhlenberg, Partridge, Scott, Seney, Sevier, Smith, of South Carolina, Steele, Sumpter, Thatcher, Tucker, White, Williamson.—28.

*Noes*—Messrs. Ames, Benson, Boudinot, Cadwalader, Carroll, Clymer, Fitzsimons, Floyd, Gale, Gerry, Griffin, Hartley, Huntington, Lawrance, Lee, Livermore, Page, Parker, Van Rensselaer, Schureman, Sherman, Silvester, Sinnickson, Smith, of Maryland, Stone, Sturges, Trumbull, Vining, Wadsworth, Wynkoop.—30.

Senate  
concur.

‘The Senate, on the 7th, concurred in the amendments of the House. S. Jou  
p. 203

3d Session.

Bill to ex-  
plain and a-  
mend act  
making  
further  
revision

On the 14th of February, 1791, the house appointed Messrs. Madison, Wadsworth, and Leonard, to be a committee to prepare and bring in a bill to explain so much of the act, entitled “An act making further provision for the payment of the debts of the United States,” as imposes a duty on imported lead, and

179

H. Jou  
p. 378

ART. III.

National Revenue—Imports.

1791.

Congress.  
Session.pay-  
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on calicoes. And, on the 21st, Mr. Madison, from this committee, presented a bill to explain and amend the act, entitled “An act making further provision for the payment of the debts of the United States,” which was then read the first and second time, and ordered to be engrossed; and, on the next day, was read the third time and passed. On the 22d, 23d, and 24th, the bill passed through its various stages in the Senate.

H. Journal.  
P. 385.S. Journal;  
P. 278—  
280.Congress.  
Session.

On the 8th of March, 1792, the House of Representatives directed the secretary of the treasury to report his opinion of the best mode for raising the additional supplies, requisite for the ensuing year; the question, after discussion, which occupied the day, as well as part of the preceding day, being determined in the affirmative, by the following vote:—

1792.

H. Journal,  
P. 530.

*Ayes*—Messrs. Ames, Barnwell, Benson, S. Bourne, B. Bourne, Gerry, Gilman, Goodhue, Gordon, Hillhouse, Huger, Jacobs, Kitchell, Lawrance, Learned, Livermore, Murray, Schoonmaker, Sedgwick, Seney, W. Smith, Steele, Sterrett, Sturges, Silvester, Thatcher, Tucker, Vining, Wadsworth, Ward, Wayne.—31.

Id. p. 531.

*Noes*—Messrs. Ashe, Baldwin, Brown, Clarke, Findley, Fitzsimons, Giles, Gregg, Griffin, Grove, Heister, Key, Kittera, Lee, Macon, Madison, Mercer, Moore, Muhlenberg, Niles, Page, Parker, Tredwell, Venable, White, Williamson, Willis.—27.

The secretary made a report, in reply to this order, on the 17th, and it was committed to a committee of the whole house. The report was considered in committee of the whole on the 5th, 6th, and 7th of April, when the following resolutions were reported and agreed to by the House:—

Id. p. 538.

Id. p. 563.  
566, 567.

“*Resolved*—That the existing duties on the articles hereafter enumerated, be repealed, and that, instead thereof, the following duties be imposed; to wit:

## “ On Wines.

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ica.

|   |  |  | CENTS. |
|---|--|--|--------|
| “ Madeira, of the quality of London particular, per gallon, |  |  | 56     |
| “ Ditto, London market, ditto,                              |  |  | 49     |
| “ Other Madeira wine, per gallon, - - -                     |  |  | 40     |
| “ Sherry, per gallon, - - -                                 |  |  | 33     |
| “ St. Lucar, per gallon, - - -                              |  |  | 30     |
| “ Lisbon, per gallon, - - -                                 |  |  | 25     |
| “ Oporto, per gallon, - - -                                 |  |  | 25     |
| “ Teneriffe, and Fayal, per gallon, - - -                   |  |  | 20     |



2d Congress.  
1st Session.

Details of  
duties.

"All other wines, forty *per centum ad valorem*, provided the same shall not, in any case, exceed thirty-three cents per gallon.

"*Spirits.*

|  | CENTS. |
|--|--------|
| "Those distilled wholly, or chiefly, from grain.       |        |
| "Of the first class of proof, and under, per gallon, - | 28     |
| "Of the second class of proof, per gallon, -           | 29     |
| "Of the third ditto, ditto, -                          | 31     |
| "Of the fourth ditto, ditto, -                         | 34     |
| "Of the fifth ditto, ditto, -                          | 40     |
| "Of the sixth, ditto, ditto, -                         | 50     |

"*Other Distilled Spirits.*

|   |     |
|---|-----|
| "Of the second class of proof, and under, per gallon  | 25  |
| "Of the third ditto, ditto, -   | 28  |
| "Of the fourth, ditto, ditto, -   | 32  |
| "Of the fifth, ditto, ditto, -  | 38  |
| "Of the sixth, ditto, ditto, -  | 46  |
| "Beer, ale, and porter, per gallon, -   | 8   |
| "Steel, per cwt., -   | 100 |
| "Nails, per lb., -  | 2   |
| "Cocoa, per lb., -  | 3   |
| "Chocolate, per lb., -  | 3   |
| "Playing cards, per pack, -   | 25  |
| "Shoes and slippers, of silk, per pair, -   | 20  |
| "Shoes and slippers, of stained or coloured leather, (other than black,) for men and women, per pair, - | 10  |
| "Shoes and slippers, for children, per pair, -  | 7   |
| "All other shoes, (for men and women,) clogs and golo shoes, per pair, -                                | 10  |
| "All other shoes and slippers, for children, per pair, -  | 7   |
| "On salts, called Glauber salts, and on sal ammoniac, for every 112 lbs., -                             | 200 |

"*Articles ad valorem.*

|   |                            |
|---|----------------------------|
| "China wares, -   | } 15 per cent. ad valorem. |
| "Looking-glasses, window, and other glass, and all manufactures of glass, (black quart bottles excepted,) - |                            |
| "Muskets, pistols, swords, cutlasses, hangers, and other fire and side-arms, -                              |                            |
| "Starch, -  |                            |
| "Hair powder, -   |                            |
| "Wafers, -  |                            |
| "Glue, -  |                            |
| "Woollen laces, fringes, and paper hangings, -  |                            |

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- "Cast, slit, and rolled iron, and, generally, all manufactures of iron, steel, tin, pewter, copper, brass, or of which either of these metals is the article of chief value, (not being otherwise particularly enumerated,) other than brass and iron wire, - -
- "Cabinet wares, - - -
- "Leather tanned and tawed, and all manufactures of leather, or of which leather is the article of chief value, not being otherwise particularly enumerated,)
- "Medicinal drugs, except those commonly used in dyeing,
- "Hats, caps, and bonnets, of every sort, -
- "Gloves and mittens, - - -
- "Stockings, - - -
- "Millinery, ready made, - - -
- "Artificial flowers, feathers, and other ornaments for women's head dresses, - - -
- "Fans, - - -
- "Dolls, dressed and undressed, - - -
- "Toys, - - -
- "Buttons of every kind, - - -
- "Carpets and carpeting - - -
- "Sail cloth - - -
- "Sheathing, and cartridge paper, - -
- "All powders, pastes, balls, balsams, ointments, oils, waters, washes, tinctures, essences, liquors, or other preparation or composition, commonly called sweet scents, odours, perfumes, or cosmetics, -
- "All dentifrice, powders, tinctures, preparations or compositions whatsoever, for the teeth and gums,
- "Printed books, (except those specially imported for a college, academy, or other public or incorporated seminary of learning or instruction, which shall be wholly exempted from duty,) - -

10 per cent. *ad valorem*.

H. Journal,  
p. 568.

"*Resolved*—That the foregoing duties be appropriated, in the first place, to the payment of the interest of the public debt; in the second, to such other grants and appropriations as have been heretofore made, and as shall be made during the present session; and, in the third, to the purposes of the 'Act for making further and more effectual provision for the protection of the frontiers of the United States.'

"*Resolved*—That an addition of two and a half *per centum ad valorem*, be made to the duty on all goods heretofore rated at five *per centum ad valorem*.

"*Resolved*—That in the future collection of duty on salt, a bushel of salt be estimated as weighing fifty-six pounds.

2d Congress.  
1st Session.

*“Resolved—That the additional duty of two and a half per centum on goods heretofore charged with a duty of five per centum ad valorem, be appropriated to the purposes of the ‘Act making further and more effectual provision for the protection of the frontiers of the United States.’ And the said additional duty shall continue for two years, and no longer.*

*“Resolved—That the before recited duties shall commence and take effect on the \_\_\_\_\_ day of \_\_\_\_\_.*

*“Resolved—That all wines imported after the \_\_\_\_\_ day of \_\_\_\_\_, be marked at the time of importation; and that certificates accompany the same, in like manner, as is provided by the act repealing, after the first day of June next, the duties heretofore laid upon distilled spirits imported from abroad.*

*“Resolved—That the term of the payment of duties (where the sum shall exceed fifty dollars,) on salt, and West India produce, be extended to \_\_\_\_\_; and that, from and after the \_\_\_\_\_ day of \_\_\_\_\_ next, the duties on all other goods, wares, or merchandise, other than wines or teas, be payable, the one half in six, the other in twelve months, from the time of importation.*

*“Resolved—That the President of the United States be authorized to borrow a sum not exceeding five hundred and twenty-three thousand five hundred dollars, for the purpose of defraying the expenses which may be incurred in pursuance of an act, entitled ‘An act making further and more effectual provision for the protection of the frontiers of the United States; and that the funds herein appropriated to the said purposes, be applied to the discharge of such loan: Provided—That the rate of interest shall not exceed \_\_\_\_\_ per cent. per annum, and that the principal be payable at the pleasure of the United States.’*

*“Resolved—That the allowance on the importation of pickled fish and salted provisions, and also to vessels employed in the cod fishery, be made conformably to the increased duty on salt.”*

Bill for  
raising a  
further  
sum of  
money for  
the protec-  
tion of the  
frontiers.

It was then ordered that Messrs. Fitzsimons, Sedgwick, and H. J. Lee, prepare and bring in the necessary bill to carry these resolutions into effect. On the 11th of April, Mr. Fitzsimons, from this committee, presented a bill for raising a further sum of money for the protection of the frontiers, which was then read the first and second time, and committed to a committee of the whole house. The bill was considered in committee of the whole on the 17th and 18th, when several amendments were reported. And on the 19th, the house proceeded to consider these amendments. It was then moved to amend the bill by adding to the end, the following clause:—

H. J. Lee  
p. 573

Id. p. 582.

Congress.  
Session.

*"And be it further enacted—That this act shall continue until the — day of —, and until the next session of Congress, which shall happen thereafter, and no longer; and that, from and after the expiration of the same, the duties hereby extinguished and repealed, shall be revived, collected, and appropriated, in the same manner they would have been, had this act never been passed."*

The question being taken on this motion, the result was as follows:—

*Ayes*—Messrs. Ashe, Baldwin, Brown, Findley, Giles, Gregg, Griffin, Grove, Heister, Jacobs, Lee, Macon, Madison, Mercer, Moore, Niles, Page, Parker, Schoonmaker, Seney, Sheridan, Jere. Smith, I. Smith, Steele, Sturges, Sumpter, Tredwell, Tucker, Venable, White, Williamson, Willis.—32.

*Noes*—Messrs. Ames, Barnwell, Benson, Boudinot, S. Bourne, B. Bourne, Clarke, Dayton, Fitzsimons, Gerry, Gilman, Goodhue, Gordon, Hartley, Hillhouse, Huger, Key, Kitchell, Kittera, Lawrance, Learned, Livermore, Muhlenberg, Murray, Wm. Smith, Sterrett, Silvester, Thatcher, Vining, Wadsworth, Ward.—31.

The speaker (Trumbull) then declared himself to be in the negative; and this equalizing the votes, the motion was lost.

The bill was further amended, and amended on the 20th, and was ordered to be engrossed for the third reading, and, on the day following, the blanks having been filled, it was read the third time, and passed, the final vote being as follows:—

passed by  
yea.

*Ayes*—Messrs. Ames, Barnwell, Benson, Boudinot, S. Bourne, B. Bourne, Brown, Clarke, Findley, Fitzsimons, Gerry, Gilman, Goodhue, Gordon, Hartley, Hillhouse, Huger, Key, Kitchell, Kittera, Lawrance, Learned, Livermore, Moore, Muhlenberg, Murray, Niles, Wm. Smith, Steele, Sterrett, Sturges, Silvester, Thatcher, Vining, Wadsworth, Ward, White.—37.

*Noes*—Messrs. Ashe, Baldwin, Giles, Grove, Macon, Madison, Mercer, Page, Parker, Schoonmaker, Seney, Sheridan, Jere. Smith, I. Smith, Sumpter, Tredwell, Tucker, Venable, Williamson, Willis.—20.

The bill was then passed, the title being "An act for raising a further sum of money for the protection of the frontiers, and for other purposes therein mentioned."

In the Senate, this bill received the first and second reading on the 23d, and on the 25th, was ordered to the third reading. On the following day, Mr. Burr presented a memorial from a number of New York merchants against any increase of duties, and

H. Journal,  
p. 583, 584.S. Journal,  
p. 430, 431.

2d Congress.  
1st Session.

the third reading of the bill was then resumed. It was then moved to amend the first section as follows:—

“That, from and after the last day of June next, the duties now in force upon the articles hereinafter enumerated and described, at their importation into the United States, shall cease, until the last day of June, one thousand seven hundred and ninety-four, and in lieu thereof, there shall be thenceforth, for the space of two years from the said last day of June next, laid, levied, and collected, upon the said articles, at their said importation, the several and respective rates or duties following.” S. Jour  
P. 432

The motion was decided in the negative; as also was a motion to amend the first section, so as to limit the duration of the aforesaid duties to five years, instead of two, as proposed in the above amendment.

2d Session.

It was then moved and agreed to, to insert an amendment in line fourth of the sixth section, so as that the clause stand thus:—

“And that, in addition thereto, there shall be allowed and paid upon provisions salted within the United States, (except upon dried fish,) upon the exportation thereof to any foreign port or place, as follows; to wit: on pickled fish, at the rate of eight cents per barrel, and other provisions at the rate of five cents per barrel.”

It was also agreed to expunge these words from the last line of an amendment adopted in the second reading of the bill, as part of the eighteenth section; to wit: “under the laws of any state, or of the United States.”

It was then moved and agreed to, to adopt the following provision, agreed to in the second reading of the bill as the eighteenth section; namely:—

“*And be it further enacted and declared*—That if the principal in any bond, which shall have been given to the United States for duties on goods, wares, and merchandise imported, *and on the tonnage of ships or vessels*, or either of them, shall be insolvent, or if such principal being dead, his or her estate and effects, which shall have come to the hands of his or her executors or administrators, shall be insufficient for the payment of his or her debts, and if in either of the said cases any surety in the said bond, or the executors and administrators of such surety, shall pay to the United States the moneys thereupon due, such surety, his or her executors or administrators, shall have and enjoy the like ad-

2d Congress.  
2d Session.

vantage, priority, and preference, for the recovery and receipt of the said moneys out of the estate and effects of such insolvent or deceased principal, as are reserved and secured to the United States by the forty-fourth section of the act, entitled 'An act to provide more effectually for the collection of duties imposed by law on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels,' and shall and may bring and maintain a suit upon the said bond, in law or equity, in his, her, or their, own name or names, for the recovery of the moneys which shall have been paid thereupon.

"*And it is further declared*—That the cases of insolvency in the said forty-fourth section mentioned, shall be deemed to extend as well to cases in which a debtor, not having sufficient property to pay all his or her debts, shall have made a voluntary assignment thereof, for the benefit of his or her creditors, or in which the estate and effects of an absconding, concealed, or absent debtor, shall have been attached by process of law (as to cases in which an act of legal bankruptcy shall have been committed.)" S. Journal, p. 433.

The above amendment was, on the following day, amended in the first clause, to read as follows:—

Bill amend-  
ed by Se-  
nate, and  
passed.

"*And be it enacted and declared*—That, if the principal in any bond, which shall be given to the United States for duties on goods, wares, and merchandises imported, shall be insolvent."

The bill was then passed in its amended form; and on the 27th, the House of Representatives agreed to these amendments, with an amendment, which was, on the following day, concurred in by the Senate. H. Journal, p. 591.  
S. Journal, p. 434.

Heaton's  
petition.

On the 12th of January, 1793, a petition of Robert Heaton, of the county of Westchester, in the state of New York, was presented to the House of Representatives. The petitioner prayed to be exempted from the payment of the duty imposed by law on sundry horses and other cattle, which he had imported. This petition was referred to Messrs. Benson, Sedgwick, and Madison. 1793.  
H. Journal, p. 668.

Bill to re-  
mit duties  
on useful  
beasts im-  
ported for  
breed, and  
to repeal  
laws impos-  
ing them.

On the 29th, Mr. Benson, from this committee, made a report; and, on the 7th of February, the house considered the report, and adopted a resolution, declaring it advisable "that the several impost laws of the United States, so far as they may be deemed to impose a duty on horses, and other useful beasts, imported into the United States for breed, be repealed." The same committee was then instructed to bring in a bill, pursuant to this resolution. Mr. Benson, from this committee, presented, on the Id. p. 685.  
Id. p. 695.

1 Congress.  
1 Session.

12th, a bill for repealing the several impost laws of the United States, so far as they may be deemed to impose a duty on useful beasts imported for breed, and for remitting the duties heretofore accrued on such importations, in the cases where they have only been secured to be paid. This bill was then read the first and second time, and committed. The bill was considered in committee on the 21st of February, and being reported without amendment, was ordered to the third reading, which, on the 23d, it received. On the 23d and 25th, the bill passed through its several readings, and was amended by the Senate, and the House agreed to the amendments.

H. Journal,  
p. 700.

Id. p. 711.  
715.

S. Journal,  
p. 492, 493.

H. Journal,  
p. 717.

S. Journal,  
p. 481.

Senate bill  
supplemen-  
tary to  
the collec-  
tion act.

On the 7th of February, the Senate appointed Messrs. Bradley, Gunn, and Few, a committee to report "a bill, supplementary to the act, entitled 'An act to provide more effectually for the collection of the duties imposed by law on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels.'" And on the 11th, Mr. Bradley, from this committee, reported a bill, bearing the above title; which was then read the first time, and received its second reading on the following day; and, on the 14th, having been amended, it was read the third time, and passed. In the House the bill was, on the 15th, committed to Messrs. Goodhue, Hindman, and Jere. Smith. On the 22d, Mr. Goodhue, from this committee, reported an amendment, which was committed, with the bill, to a committee of the whole house; and on the 25th, the bill was before the committee, and several amendments were reported, which received the concurrence of the house, and the bill was then read the third time and passed. The Senate, on the 27th, agreed to some of the amendments made by the house, and agreed to reconsider the second amendment, and to refer this amendment, with the amendments subsequent thereto, to Messrs. King, Morris, and Cabot. On the following day, Mr. King reported an amendment to the amendment which was agreed to. The house concurring, on the 1st of March, in this amendment, the bill was finally passed.

Id. p. 483.

Id. p. 484.

Id. p. 486.

H. Journal,  
p. 703, 704.

Id. p. 713.

Id. p. 717.

S. Journal,  
p. 496.

Id. p. 499.

H. Journal,  
p. 725.

Jacob  
Bell's pe-  
tion for  
duties to  
be refund-  
ed.

On the 22d of November, 1792, the secretary reported on the petition of Jacob Bell, who, so long before as the 7th of December, 1790, (at the third session of the first Congress,) had petitioned the House of Representatives to be refunded certain duties, to the payment of which he had been subjected by a mistake of the collector of the port of New York. On the 5th of February, the report of the secretary was considered by a committee of the whole, who reported the following resolution, which was agreed to by the house:—

H. Journal,  
p. 330, 333.  
625, 687.

Id. p. 691.

SAP. III.

National Revenue—Proceedings as to Duties.

1798.

Congress.  
Session.

resolution.

*Resolved*—That the duty on a quantity of pickled fish, amounting to ninety-seven dollars and fifty cents, to the payment of which the said Jacob Bell has been subjected, by a mistake of the collector of the port of New York, be refunded to him, agreeably to the prayer of his petition."

bill to re-  
ad pass-  
by  
use.

It was then ordered that Messrs. Key, Grovè, and Tucker, prepare and bring in the bill necessary to give effect to this resolution. Mr. Key, on the 7th, presented a bill to refund to Jacob Bell, certain duties on pickled fish, which was read the first and second time, and committed. The bill having been considered in committee, on the 13th, and reported without amendment, was ordered to be engrossed, and was read the third time on the 15th of February. On the same day, the bill was read the first time in the Senate, and received its second reading on the 18th, when it was referred to Messrs. Foster, Monroe, and Cabot. Mr. Foster, on the 2d of March, made an unfavourable report concerning this bill, which was then rejected.

rejected  
Senate.Woodrop  
Simms'  
petition.

During the first session of the second Congress, on the 17th of April, 1792, a memorial was presented to the House of Representatives, from Woodrop and Simms, merchants of Philadelphia, praying a remission of the duties on a quantity of salt and wines entered at the port of New York, and which were lost, together with the ship, on the passage. This memorial was referred to Messrs. Fitzsimons, Gerry, and Murray, and the case was included in the provisions of a bill reported by Mr. Fitzsimons, on the 24th of April, "to authorize the remission of certain duties," and which bill was rejected by the Senate, as may be seen on reference to the case of Eliphalet Ledd, [page 371.] On the 8th of November, this memorial was again presented, at the second session of the second Congress; and, on the 3d of December, was referred to Messrs. Key, Grove, and Tucker. Mr. Key made a report on this case on the 6th, which was committed to a committee of the whole house. It was acted on in committee on the 5th of February, 1793, and the following resolution was then reported, and agreed to by the house:—

bill to re-  
: duties  
: wines  
: by ship-  
: rick.

*Resolved*—That the remission of duties on a quantity of salt and wines entered at the port of New York, which, together with the ship, was lost, on the passage from thence to Philadelphia, in March last, ought to be granted, agreeably to the prayer of the petitioners."

Messrs. Key, Grove, and Tucker, were then ordered to prepare and bring in a bill to carry this resolution into effect. The

H. Journal,  
p. 695.Id. p. 701.  
703.S. Journal,  
p. 487, 488.

Id. p. 503.

H. Journal,  
p. 579, 586.

Id. p. 615.

Id. p. 631.  
634.

Id. p. 690.



## CHAP. III.

## National Revenue—Compensations.

1792.

1 Congress.  
1 Session.

rejected.

bill was reported by Mr. Key on the 7th of February, when it received the first and second reading and its commitment. On the 8th, the bill was taken up in committee of the whole, reported without amendment, and, on the question of its engrossment, was rejected.

H. Journal,  
p. 696, 697.

A great number of petitions and memorials were presented, complaining of the unequal operation of these laws, and praying for remissions of duties; but as no legislative action was founded upon them, they are omitted.

1 Congress.  
1 Session.SHUBAEL  
SWAIN.bill reject-  
ed by Se-  
ate.

On the 29th December, 1790, the petition of Shubael Swain was presented to the House of Representatives, praying the remission of a penalty incurred for a breach of the revenue laws; which was referred to Messrs. Goodhue, Livermore, and Sinnickson. Mr. Goodhue, on the 31st, reported a bill for the relief of Shubael Swain, which was then read the first time, and received the second and third reading on the 3d and 4th of January, when it was passed and sent to the Senate, where, on the 4th and 5th, it was read the first and second time, and referred to Messrs. Morris, Langdon, and Hawkins. Mr. Morris made a report on the 6th, and the bill was then rejected.

1790-91.  
H. Journal,  
p. 344.Id. p. 347.  
S. Journal,  
p. 229, 230.compensa-  
on of in-  
spectors.

H.B. 119.]

bill report-  
ed and  
omitted.Not acted  
on.

On the 21st of January, 1791, the House of Representatives ordered the appointment of a committee, to prepare and bring in a bill, or bills, making provision for the compensations to inspectors and officers of inspection, to be appointed to collect the duties imposed on distilled spirits, and to secure the collection thereof; and Messrs. Sedgwick, Madison, and Lawrance were appointed of this committee. Mr. Sedgwick, from this committee, reported, on the 26th, a bill providing compensation for inspectors and other officers of inspection, which was then read the first time, and, on the next day, received the second reading, and was committed to a committee of the whole house. This bill was not subsequently acted on.

H. Journal,  
p. 359.Id. p. 363.  
Id. p. 364.1 Congress.  
1 Session.compensa-  
on to offi-  
cers of cus-  
oms.

A COMMITTEE was appointed, in the House of Representatives, on the 16th of April, 1792, consisting of Messrs. Goodhue, Sterrett, Parker, Grove, and Barnwell, to prepare and bring in a bill, or bills, relative to the compensations to the officers of the customs; and, on the 19th, Mr. Goodhue, from this committee, presented a bill relative to the compensations to certain officers employed in

1792.  
H. Journal,  
p. 579.

Id. p. 581.

## CHAP. III.

## National Revenue—Continental Tax Receivers.

1792.

2d Congress.  
1st Session.

the collection of the duties of impost and tonnage, which was read the first and second time, and committed to a committee of the whole house. The bill was considered in committee of the whole on the 30th, when several amendments were reported, which were, on the 1st of May, agreed to, and the bill was ordered to be engrossed for the third reading; and, on the day following, the bill was read the third time and passed.

H. Journal,  
p. 592, 593.  
Id. p. 595.

Bill passed.

In Senate, this bill was read the first and second time, on the 3d, and was referred to Messrs. Morris, Sherman, and Monroe. Mr. Morris, on the 4th, reported various amendments, some of which were adopted; and the bill, having been amended accordingly, was read the third time and passed on the same day.

S. Journal,  
p. 437.  
Id. p. 438.

These amendments were concurred in by the House of Representatives.

H. Journal,  
p. 598.

CONTINENTAL TAX  
RECEIVERS.  
Petition of  
G. Webb.

On the 24th of February, 1791, a petition was presented to the House of Representatives, from George Webb, a receiver of continental taxes in Virginia, praying for further compensation for his services, and to be reimbursed for the loss of a sum of public money, whilst receiver of taxes. This petition was referred to the secretary of the treasury, from whom a report was received on the 12th of December; and, on the 23d, the following motion was submitted to the house:—

1791.

H. Journal,  
p. 389, 471.

[H.B.158.]  
Bill reported.  
ed.

“That the report of the secretary of the treasury, upon the petition of George Webb, be referred to a select committee, and that the committee be instructed to prepare and bring in a bill, allowing such of the receivers of continental taxes in the several states, as continued in service after the end of the year one thousand seven hundred and eighty-two, a commission, as a compensation for their services and expenses, not exceeding the rate of ——— *per centum*, upon the amount of moneys by them respectively received for continental services subsequently to the time aforesaid.”

Id. p. 480.

Commit-  
ted.

This motion and report were referred to Messrs. Livermore, Giles, Clarke, Fitzsimons, and Bourne, of Rhode Island. Mr. Livermore, on the 4th of January, presented, from this committee, a bill granting further compensation to certain receivers of continental taxes; which was then read the first time, and, on the next day, received the second reading, and was committed to a committee of the whole house.

Id. p. 487.

Not acted  
on.

2d Session.

At the commencement of the second session, on the 28th of November, 1792, a committee was appointed in the House of Re-

1792-93.

H. Journal,  
p. 629.

2d Congress.  
2d Session. presentatives, consisting of Messrs. Giles, S. Bourne, and Silvester, to prepare a bill granting further compensation to certain receivers of continental taxes. Mr. Giles, on the same day, presented a bill, which was read the first and second time, and committed to a committee of the whole house; and, on the 25th of January following, the bill was considered in committee of the whole, and reported without amendment. The question was then taken on the engrossment of the bill for the third reading, when H. Jou  
p. 680

[H.B.200.] it was determined in the negative, by the following vote:—

Rejected.

*Ayes*—Messrs. Benson, B. Bourne, Fitzsimons, Gerry, Giles, Griffin, Hartley, Huger, Learned, Lee, Livermore, Madison, Milledge, Muhlenberg, Page, Parker, Sedgwick, Silvester, Sterrett, Sumpter, Venable, White.—22.

*Noes*—Messrs. Ashe, Baldwin, Boudinot, S. Bourne, Clarke, Dayton, Gilman, Goodhue, Gregg, Grove, Heister, Hillhouse, Jacobs, Kitchell, Kittera, Leonard, Macon, Moore, Jere. Smith, I. Smith, Wm. Smith, Thatcher, Tredwell, Ward.—24.

So the bill was rejected.

### THE POST OFFICE.

1st Congress.  
1st Session. As an important source of national revenue, the Post Office Department received a fit share of the deliberations of the first Congress. Very soon after the commencement of the first session, on the 17th of July, 1789, the speaker laid before the House of Representatives a letter from Ebenezer Hazard, postmaster general of the United States, submitting the propriety of some immediate provision, by law, for the arrangement of that department; which was referred to Messrs. Boudinot, Goodhue, and Lee, for them to consider the subject, and report their opinion. Mr. Boudinot, on the 18th of August, made a report from that committee. On the 27th, the house proceeded to consider this report, when it was recommitted to the same committee. The report of this committee was again the subject of consideration on the 9th of September, when the house agreed to the following resolution:—

Resolution  
of House. “Resolved—That, until further provision be made by law, the general post office of the United States shall be conducted according to the rules and regulations prescribed by the ordinances and resolutions of the late Congress, and that contracts be made for the conveyance of the mail, in conformity thereto.” id. p. 1

Letter  
from post-  
master ge-  
neral, call-  
ing atten-  
tion to that  
depart-  
ment.

178  
H. Jou  
p. 62.

id. p. 1

id. p. 1

## CHAP. III.

## National Revenue—Post Office.

1790.

**1st Congress. 1st Session.** On the 10th of September, the Senate referred this resolution to Messrs. Butler, Morris, and Ellsworth, with an instruction to report a bill on the subject; and, on the 11th, this committee reported a resolution not to concur in the resolve of the House, which report was agreed to by the Senate. S. Journal, p. 78.

**Non-concurrence of Senate.** Id. p. 79.

**Bill passed by Senate, and House.** The same committee reported a bill for the temporary establishment of the post office, which was then read a first time, and, on the 14th and 15th, received the second and third reading, and was passed. On the 16th and 17th, this bill passed through its various readings, without opposition, in the House of Representatives. Id. p. 79, 80. H. Journal, p. 111—113.

**2d Session.** At the commencement of the second session, on the 22d of January, 1790, the speaker laid before the House of Representatives, a letter from the secretary of the treasury, accompanying a report made to him by the post master general, respecting the post office, and suggesting a plan for its future establishment; which was referred to Messrs. Fitzsimons, Gerry, Sinnickson, Parker, and Stone, with instructions to report to the house their opinion on the subject. Mr. Fitzsimons, from this committee, presented, on the 23d of February, a bill for regulating the post office of the United States, which was read the first time on that day; and, on the 24th, received the second reading, and was committed. The bill was considered in committee of the whole on the 13th of April, and also on the 14th, and on the 15th, the house adopted the following order:— 1790. H. Journal, p. 144.

**Plan from postmaster general.** Id. p. 162.

**Referred. Bill for regulating post office.** Id. p. 196, 194.

**Committee.**

“*Ordered*—That the post-master general be directed to return to this house the route by which the mail is carried within the United States, distinguishing those which are called cross posts; also, distinguishing those cross posts which have been productive to the revenue, (if any such,) and those which have been expensive beyond the revenue derived from them; also, all the places at which post offices are now kept, or ought to be kept, and an estimate of the emoluments to each of the post office keepers.”

**Committee discharged.** Without further action of the committee, the house, on the 27th, adopted an order discharging the committee of the whole from the further consideration of the bill, and referring the bill, together with the report of the post-master general, on the several matters submitted to him by the order of the house of the 15th instant, to Messrs. Livermore, Ames, Huntington, Silvester, Id. p. 203.

**Special committee.**

MAP. III.

National Revenue—Post Office.

1799.

1 Congress.  
Session.

Wynkoop, Smith, of Maryland, Moore, Steele, Tucker, Baldwin, and Vining. On the 7th of June, Mr. Livermore, from this committee, reported an amendatory bill to establish the post office and post roads within the United States, which was read the first and second time, and committed. This bill occupied the committee of the whole on the 14th, 15th, and 16th of June, when several amendments were reported; which were partly considered, and were fully agreed to by the house on the following day. And on the 21st, the bill, as amended, passed the house. In the Senate, this bill was read a first time, on the 22d of June, and, on its second reading, on the 23d, was postponed; and, on the 24th, the bill was committed to Messrs. Johnston, Langdon, Carroll, Strong, and Maclay. Mr. Johnston, on the 30th, reported several amendments. On the 2d and 3d of July, the report of the committee was considered, and the bill was amended in accordance with it. The question on the third reading, came up for consideration on the 5th, when a motion was made to restore the first and second paragraphs which had been expunged; but the motion was negatived; and, on the following day, the bill was passed. The House of Representatives made some progress in considering the amendments of the Senate, on the 8th, and resumed the subject on the 10th, when some of those amendments were excepted, and others disagreed to; to wit: The first amendment in the 11th section was disagreed to; and, also, the several amendments in the 13th, 23d, 24th, and 31st sections; and all the other amendments proposed by the Senate were agreed to. The Senate, on the 12th, resolved to insist on these amendments, which were disagreed to by the House, and desired a conference with such managers as the House of Representatives might appoint, on the subject of the disagreeing votes, and Messrs. Ellsworth, King, and Strong, were appointed to conduct the conference on the part of the Senate. On the following day, the House agreed to the proposed conference, and appointed Messrs. Gerry, Steele, Hartley, Vining, and Burke, to be the managers on the part of the house. Mr. Gerry made a report from the managers to the house on the 22d, when it was moved, that the house adhere to their disagreement to the first amendment; and the question being put on this motion, it was decided in the affirmative as follows:—

*Ayes*—Messrs. Ashe, Baldwin, Bloodworth, Brown, Burke, Clymer, Coles, Contee, Fitzsimons, Floyd, Gale, Gerry, Griffin, Hartley, Heister, Huntington, Jackson, Livermore, Madison, jr., Mathews, Muhlenberg, Page, Parker, Scott, Seney, Sevier, Sher-

H. Journal,  
p. 235.

Id. p. 242—  
245.  
S. Journal,  
p. 164, 165.

Id. p. 172.  
174.

H. Journal,  
p. 258.

Id. p. 267.

S. Journal,  
p. 176, 177.

H. Journal,  
p. 269.

Id. p. 276.

## CHAP. III.

## National Revenue—Post Office.

1790.

1st Congress.  
2d Session.

man, Silvester, Steele, Stone, Sturges, Sumpter, Tucker, Vining, White.—35.

*Noes*—Messrs. Ames, Benson, Boudinot, Cadwalader, Foster, Gilman, Goodhue, Grout, Lawrance, Leonard, Partridge, Van Rensselaer, Schureman, Sedgwick, Smith, of Maryland, Smith, of South Carolina, Thatcher, Trumbull, Wadsworth, Wynkoop.—20.

The house then determined to recede from their disagreement to the second amendment, and to insist on their disagreement to the amendments to the twenty-fourth and thirty-first sections, with the following exceptions; to wit:—

Proposi-  
tions by the  
House.

“*Sect. 24, line 2.* After the word ‘persons,’ insert, in a parenthesis, ‘(others than printers of newspapers.)’

“*Sect. 31.* Strike out the words ‘agreeably to his report on the petition of Christopher Colles.’”

The House also determined to recede from their disagreement to, and to agree with the Senate in their first amendment to the eleventh section; also, to the amendment for striking out the thirteenth section, and to the amendment for striking out the twenty-third section, with the following amendment; to wit:—

H. Journal,  
p. 276, 277.

“Insert, in lieu of the words proposed to be inserted by the Senate, the words following:—‘That it shall be the duty of the post-master general to permit any printer of newspapers within the United States, to send and receive newspapers by the post, subject to a postage of one quarter of a cent for each newspaper.’”

S. Journal,  
p. 188.

Senate ad-  
here.

In the Senate, Mr. Ellsworth, from the managers of the conference, made a report on the 24th of July; and the Senate then proceeded to consider the resolve of the House of Representatives in reference to the Senate’s amendments. It was then resolved, that the Senate adhere to their amendment, section first and second, line first to twenty-seventh, and recede from their amendments in the twenty-fourth and thirty-first sections, with the exceptions proposed by the House of Representatives; and that they agree to the amendment proposed by the House of Representatives in the twenty-third section, with an amendment.

Bill lost.

Both houses having adhered, the bill was lost.

Committee  
to prepare  
new bill.

On the 28th of July, the House of Representatives appointed a committee, consisting of Messrs. Sedgwick, Smith, of South Carolina, and Huntington, to prepare and bring in a bill or bills to continue in force for a limited time, an act, entitled “An act for the temporary establishment of the post office.” On the same day,

H. Journal,  
p. 283.

SEAP. III.

National Revenue—Post Office.

1790.

1st Congress.  
Session.Bill intro-  
duced and  
passed by  
the House  
and Se-  
nate.

Mr. Sedgwick reported a bill, in pursuance of this resolution of the House, and it was then read the first and second time, and ordered to be engrossed; and it was read the third time, and passed, on the following day. This bill was acted on in the Senate with equal promptitude, being read the first and second time on the 29th, and on the 30th being read the third time and passed.

H. Journal,  
p. 285.S. Journal,  
p. 193.

2d Session.

Committee  
prepare  
bill to es-  
tablish post  
office, &c.Bill report-  
ed.Committee  
of the  
whole dis-  
charged.New com-  
mittee.

New bill.

Passed by  
the House.Bill as pass-  
ed by  
house.

At the commencement of the third session of the first Congress, on the 8th of December, 1790, the House of Representatives again appointed a committee, consisting of Messrs. Sherman, Clymer, and Williamson, to prepare and bring in a bill or bills for establishing the post office and post roads of the United States. On the 7th of January, 1791, Mr. Sherman, from this committee, presented a bill, according to the instruction, which was read the first and second time, and committed to a committee of the whole house. The bill was considered in committee of the whole, on the 31st, and on the 24th of February; and on the 25th it was ordered by the house, that the committee of the whole be discharged from further proceeding on the bill.

H. Journal,  
p. 333.

1791.

H. Journal,  
p. 350, 351,  
367, 390,  
392.

A new committee was appointed on the 28th, consisting of Messrs. Smith, of South Carolina, Sherman, and Scott, to prepare and bring in a bill to continue in force for a limited time, an act entitled "An act for the temporary establishment of the post office." On the same day, Mr. Smith presented a bill with this title, which was read the first time; and received its second reading, and was committed to a committee of the whole house on the 1st of March. The house immediately went into committee of the whole on the bill, and reported several amendments, which were agreed to by the house, and the bill was then read the third time and passed. The bill, as it was passed by the house, is as follows:—

Id. p. 394.  
Id. p. 396.  
Id. p. 398.

"Sect. 1. *Be it enacted, by the Senate and House of Representatives of the United States of America, in Congress assembled*—That the act passed the first session of Congress, entitled 'An act for the temporary establishment of the post office, be, and the same is hereby continued in full force, until the end of the next session of Congress, and no longer.

S. Journal,  
p. 298.

"Sect. 2. *And be it further enacted*—That no law of any state shall operate to impede or obstruct the stage carriages which shall be employed by virtue of this act, in conveying the mail of the United States, or to prevent passengers being carried in

## CHAP. III.

## National Revenue—Post Office.

1791.

1st Congress.  
2d Session.

such carriages, or to subject the owners or drivers of such carriages to any penalty or tax on account of such employment.

Amended  
by Senate.

*"Sect. 3. And be it further enacted—That all letters to and from the treasurer, comptroller, and auditor of the treasury, and the assistant of the secretary of the treasury, on public service, shall be received and conveyed by the post free of postage."*

S. Journal,

p. 298.

Id. p. 302.

This bill was read the first and second time in the Senate, on the 2d of March; and the second section of the bill having been expunged, it was, on the same day, read the third time and passed, with the following amendments:—

Id. p. 307.

"Strike out the second section, and add at the end of the bill—

*"And be it further enacted—That the post-master general shall be, and he hereby is, authorized to extend the carrying of the mail from Albany, in the state of New York, to Bennington, in the state of Vermont."*

House con-  
cur.

The House of Representatives, on the 3d, agreed to these several amendments of the Senate.

H. Journal,  
p. 404.2d Congress.  
1st Session.Committee  
to prepare  
bill.Bill to es-  
tablish post  
office and  
post roads.

THE subject was again taken up by the second Congress, at their first session. On the 28th of October, the House of Representatives appointed Messrs. Livermore, Clarke, Steele, Bourne, of Rhode Island, and Thatcher, a committee to prepare and bring in a bill, or bills, for establishing the post office and post roads of the United States; and, on the 29th of November, Mr. Livermore, from this committee, presented a bill "to establish the post office and post roads within the United States;" which was read the first and second time, and committed to a committee of the whole house. This committee had the bill under consideration on the 6th, 7th, 8th, 9th, 15th, 16th, 20th, 21st, 23d, and 26th of December, and, on the 26th, the committee reported several amendments to the bill. On the 27th and 28th, the house considered these amendments, some of which were agreed to as reported, some amended and agreed to, and others disagreed to. The subject was resumed on the 29th, when the bill was further amended, and the 17th and 18th sections were recommitted to Messrs. Smith, of New Hampshire, Lawrance, Baldwin, and Bourne, of Massachusetts.

Id. p. 443.

Id. p. 465.

Id. p. 469,

470. 475.

478—481.

Id. p. 481,

482.

Id. p. 483.

Amend-  
ments pre-  
pared.

On the 3d of January, 1792, Mr. Smith, the chairman of this committee, reported amendments, in lieu of the 17th and 18th

1792.

H. Journal,  
p. 486.



2d Congress.  
1st Session.

sections, which were agreed to by the house; and, on the 5th, the subject being again before the house, it was moved to amend the bill, by inserting, after the — section, the following clause:—

*“And be it further enacted—That it shall be lawful for the carriages, by which the mail shall be conveyed, to receive passengers to or from any place or places, and through any state or states, upon all roads declared to be post roads, by the laws of the United States.”\**

It was then moved to amend this amendment, by adding to it the following proviso: *Provided—That wherever any exclusive privilege of conveying passengers for hire in stage carriages, on any of the roads established by this law, hath been heretofore granted by any of the states, for a term of years, such exclusive privilege shall continue and be of full force and effect, agreeably to the conditions thereof, until such term shall expire.”*

The question being taken, on adding this proviso, it was decided in the negative, by the following vote:—

*Ayes—Messrs. Baldwin, Barnwell, Griffin, Huger, Lawrance, Madison, Murray, Seney, W. Smith, Sterrett, Sturges, Sumpter, Thatcher, Vining.—14.*

*Noes—Messrs. Ames, Ashe, Benson, Boudinot, S. Bourne, B. Bourne, Brown, Clarke, Findley, Fitzsimons, Gerry, Giles, Gilman, Gordon, Gregg, Grove, Heister, Jacobs, Key, Kitchell, Kittera, Learned, Lee, Livermore, Macon, Moore, Muhlenberg, Niles, Page, Parker, Schoonmaker, Jere. Smith, I. Smith, Steele, Silvester, Tredwell, Venable, Wadsworth, Ward, Wayne, White, Williamson, Willis.—43.*

The question was then taken on agreeing to the amendment as **Negatived.** at first proposed, and determined also in the negative, as follows:—

*Ayes—Messrs. Ames, Benson, S. Bourne, B. Bourne, Findley, Fitzsimons, Gerry, Gilman, Gordon, Gregg, Huger, Kittera, Lawrance, Learned, Livermore, Macon, Muhlenberg, W. Smith,*

---

\* This amendment was introduced in consequence of a petition having been presented from the contractors for carrying the mail between Philadelphia and New York, praying the interposition of Congress, to relieve them from a tax imposed on the mail stages by the state of New Jersey; and, also, in compelling a preference to the mail stages in the passage of ferries, and along the public roads; which petition was referred to the secretary of the treasury, [*Vide House Journal*, page 154, 155.] It further appears that a letter from the post-master general, respecting a tax imposed on the proprietors of the lines of stages by a late law of New Jersey, was communicated to the House of Representatives by the speaker, at the second session of the second Congress, [*Vide House Journal*, page 699.]

2d Congress. 1st Session. Steele, Sturges, Silvester, Thatcher, Vining, Wadsworth, Ward.  
—25.

*Notes*—Messrs. Ashe, Baldwin, Barnwell, Boudinot, Brown, Clarke, Giles, Griffin, Grove, Heister, Jacobs, Key, Kitchell, Lee, Madison, Moore, Murray, Niles, Page, Parker, Schoonmaker, Sene-  
ney, Jere. Smith, I. Smith, Sterrett, Sumpter, Tredwell, Tucker, Venable, Wayne, White, Williamson, Willis.—35.

Bill amend-  
ed and  
passed.

The bill was then further amended; and, on the 9th, it was taken up for consideration on the question of its third reading, when some discussion took place. The blanks having been filled up, it was read the third time, and passed on the following day.

H. Journal,  
p. 487, 488.

Id. p. 490.

Committed  
in Senate.

The bill was read the first time in the Senate, on the 10th of January; and, on the 16th, after its second reading, it was referred to Messrs. Bassett, Bradley, Burr, Ellsworth, Few, Foster, Henry, Johnston, Izard, Langdon, Lee, Morris, Rutherford, and Strong. Mr. Bassett, on the 25th, reported sundry amendments to the bill, and these amendments were taken up for consideration on the 27th. The following motion was then made:—

S. Journal,  
p. 364. 370.

Id. p. 377.  
379.

Id. p. 381.

“That it shall be lawful for the post-master general, and his deputies, to receive donations from any person or persons in aid of the revenue arising from any post road; and if it shall appear, at the expiration of one year from the establishing of any post road, except the main road from Wiscasset to Savannah, that the revenue, arising from such post road, including donations, after deducting the compensations of the deputy post-masters, and the incidental charges of the post offices, shall not amount to two-thirds of the expense of carrying the mail on the same, that then it shall be lawful for the post-master general to desist from sending a mail on such road.”

Motion to  
amend ne-  
gated.

Passed  
with a-  
mend-  
ments.

On the question being put, this motion was decided in the negative. The amendments of the committee were then adopted by the Senate; and, on the 30th, the bill was passed with the following amendments:—

“*Sect. 1, lines 2, 3. Dele* the words ‘passing of this act,’ and insert these words, ‘first day of June next.’”

“In the same section, *line 5. Dele* the word ‘Exeter.’”

“In the same section, *line 7. Between* the words ‘Elizabeth-town’ and ‘Brunswick,’ insert the word ‘Woodbridge.’”

“In the same section, *line 13. Dele* the word ‘to,’ after the word ‘Augusta,’ and insert ‘by;’ and after the word ‘Washington,’ in the same line, insert the words, ‘in Wilkes county to Greenborough, and from thence.’”

2d Congress.  
1st Session.

Amend-  
ments of  
Senate.

In the same section, *line 14.* After 'Ogechee,' insert these words, 'and Georgetown to Augusta.'

"In the same section, *line 16.* Between the words 'from' and 'Exeter,' insert the words 'Portsmouth-by;' and in the same line, after 'Exeter,' *dele* the word 'to,' and insert 'and;' and, after the word 'Concord,' insert the words 'to Hanover.'

"*Line 18.* Between the words 'Providence' and 'Newport,' insert 'East Greenwich.'

"In the same section, *line 20.* *Dele* the words 'Taunton to Plymouth, and thence to Boston,' and insert these words, 'Boston, by Plymouth, to Barnstable.'

"In the same section, *line 22.* *Dele* the words, 'through Northfield,' and insert the words, 'by Northampton, Brattleborough.'

"In the same section, *line 23.* *Dele* the word 'to,' and insert 'by;' and in the 23d line, after the word 'Vermont,' insert the words 'to Hanover,' and *dele* all the words that follow the word 'Vermont,' to the word 'and,' in line 24.

"In the same section, *line 28.* After the word 'Pittsburg,' insert these words, 'and from Philadelphia to Bethlehem; from Bethlehem, by Reading and Harrisburg, to Carlisle; and from Bethlehem, by Easton, Sussex Court House, Goshen, Ward's Bridge, and Kingston, to Rhinebeck; from Philadelphia, by Salem, to Bridgetown.'

"In the same section, *line 29.* After the word 'Vienna,' insert these words, 'and from Vienna, by Salisbury, to Snow Hill;' and, in the same line, after the word 'by,' insert 'Newcastle, Cantwell's Bridge, and.'

"In the same section, *line 30.* Between the words 'by' and 'Dagsborough,' insert 'Milford;' and after the word 'Dagsborough,' *dele* the word 'to,' and insert 'Snow Hill, and.' S. Jor  
p. 385

"In the same section, *line 31.* After the words, 'Court House,' insert these words, 'to Norfolk.' After the words 'Allen's Fresh,' *line 32,* insert 'Newport.'

"In the same section, *line 34.* After the word 'Urbanna,' insert these words, 'and from thence, crossing Rappahannock, and proceeding by Northumberland Court House, to Kinsale, on the river Yeocomico, thence, by Westmoreland Court House, through Leedstown, to Fredericksburg.'

"*Line 38.* After the word 'by,' insert 'Warrington;' after 'Hillsborough,' insert 'Salem.'

"In the same section, *line 38.* After the word 'Salisbury,' insert these words: 'From Halifax, by Bluntsville, Williamston,

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Dailey's, Plymouth, by Mackay's Ferry, to Edenton; and from Edenton, by Hertford, Nixonton, Sawyer's Ferry, in Camden county, to Indian town, in Kurrituck county.'

"In the same section, *line 38*, *dele* the word 'to,' between the words 'New York' and 'Albany,' and insert 'by;' and, *line 39*, after the word 'Albany,' insert these words, 'Bennington, Manchester, and Rutland, to Burlington, on Lake Champlain, and from Albany, by Schenectady, to Canajoharrie.'

"In the same section, *line 41*, before the word 'Elizabeth town,' insert the words, 'Newark, or.'

"In the same section, *line 42*, after the words 'court house,' insert these words, 'from Woodbridge to Amboy;' and, in the same line, between the words 'by Leesburg,' insert 'Salisbury.'

"In the same section, *line 44*, after the word 'by,' insert the word 'Columbia.'

"In section 2, *line 2*, *dele* the word 'five,' and insert 'eight.'

"In section 4, *line 3*, *dele* the words 'shall return,' and insert the word 'render.'

"In the same section, *line 10*, to the word 'office,' add the letter 's,' and the following words, 'and the contractors for carrying the mail, and their agents or servants to whom the mail shall be intrusted, before they commence the execution of said trust, shall respectively.'

"In the same section, *line 12*, *dele* all that follows the words 'post-master general,' to the letter 'I,' in *line 25*.

"In the same section, *line 26*, *dele* the words 'execute and,' and, also, all that follows the word 'by,' in *line 27*, to the word 'office,' in *line 28*, and insert these words, 'law in relation to the establishment of post offices.'

"In section 5, *line 1*, *dele* all the words following the word 'that,' to the word 'if' in *line 3*.

"In section 6, *line 3*, after the word 'states,' insert these words, 'and in one or more of the newspapers published in the state or states, where the contract is to be performed,' and *dele* the word 'twelve,' in the same line, and insert 'six.'

"In section 7, *line 5*, *dele* all that follows the word 'therein,' to the end of the section.

"Sect. 8. After the word 'that,' in the first line, insert 'from and after the passing of this act.'

"In the same section, *lines 3 and 4*, *dele* the words 'at the treasury of the United States,' and insert these words, 'out of the revenues of the post office.'

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"In section 9, *line 1*, *dele* the word 'March,' and insert 'June.'

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ments of  
Senate.

"In the same section, between *lines 17* and *18*, insert these words, 'over three hundred and fifty miles, and not exceeding four hundred and fifty, twenty-two cents.'

"In the same section, *line 18*, after the word 'hundred,' insert these words, 'and fifty.'

"In section 10, *line 1*, after the word 'letters,' insert these words, 'and packets;' and in *line 2*, after the word 'states,' insert these words, 'or from one part to another therein.'

"In the same section, *line 3*, *dele* all that follows the word 'states,' to the word 'shall,' in *line 4*.

"In the same section, *line 5*, *dele* all that follows the word 'letter,' to the word 'eight,' in *line 7*.

"In the same section, *line 9*, after the word 'letter,' insert these words, 'or packet.'

"In the same section, *line 10*, the same amendment.

"In the same section, *line 11*, *dele* the word 'other,' and insert the word 'private.'

"In the same section, *line 12*, after the word 'to,' insert these words, 'be delivered at.'

"In section 11, *line 2*, after the word 'general,' insert these words, 'to receive the postages of letters,' and, after the word 'shall,' in the same line, insert the word 'fraudulently.' S. Jour  
P. 383

"In section 12, *line 6*, *dele* all the words following the word 'consignee,' to the word 'but,' in *line 7*.

"In the same section, *line 8*, after the word 'than,' insert the word 'that;' and, in the same line, *dele* all that follows the word 'enter,' to the word 'the,' in *line 10*.

"In the same section, *line 14*, after the word 'letters,' insert the word 'except.'

"In section 13, *line 3*, after the word 'same,' insert these words, 'except the commanders of foreign packets.'

"In section 14, *line 2*, after the word 'deputies,' insert these words, 'or persons by them employed.'

"In the same section, *line 3*, after the word 'packets,' insert these words, 'other than newspapers.'

"In the same section, *lines 3* and *4*, *dele* the words 'on any established post road;' and, in *line 5*, after the word 'post,' insert these words, 'wagon or other carriage by, or in which any letter or packet shall be carried for hire, on any established post road.'

"In the same section, *line 7*, *dele* all that follows the word 'dol-

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lars,' to the end of the section, and insert these words: '*Provided—That it shall and may be lawful for every person to send letters or packets by special messenger.*'

"*Dele* the whole of the 15th section. [The 15th section is as follows:—*Provided, nevertheless, and be it further enacted—That it shall be lawful for the masters of ships and vessels, conductors of pack-horses, and for carriers of goods by carts or wagons, to be carriers and deliverers of all such letters or packets, as immediately concern any merchandise or lading in such ship or vessel, or such goods or merchandise as are under the immediate care or inspection of such masters, conductors, or carriers: Provided, such master, conductor, or carrier, shall deliver every such letter to the person or persons to whom it is addressed, without hire or reward: Provided, also—That it shall and may be lawful for every person to send letters or packets by any private friend, or by special messenger.*]

"In section 16, *dele* all that follows the word 'the' in the third line, to the word 'in,' in line 4, and insert the words, 'number and rates.'

"In section 17, *lines* 3 and 6, *dele* the word 'newspapers.'

"In the same section, *line* 23, *dele* all the words following the words 'post office,' to the word 'every' in *line* 26; and, in *line* 26, *dele* the word 'one,' and insert 'five.'

"In section 18, *lines* 3 and 4, between the words 'letter' and 'packet,' insert the word 'or,' and *dele* the words 'bag or mail of letters.'

"In the same section, *line* 5, *dele* the words, 'or from or out of any bag or mail of letters.'

"In the same section, *line* 6, *dele* all the words following the words 'post office,' to the word 'any,' in *line* 7.

"In section 20, *line* 10, after the word 'war' insert these words, 'the commissioners for settling the accounts between the United States and individual states.'

"In the same section, *line* 11, *dele* all that follows the word 'assistant,' to the word 'provided,' in *line* 13; and, in *line* 13, *dele* the words 'having the privilege of franking letters.'

"In the same section, *line* 17, *dele* the words 'in all cases such person,' and insert the words 'each person before named.'

"In section 23, *line* 9, after the word 'packets,' insert these words, 'and if any of the persons employed in any departments of the post office, shall unlawfully detain, delay, embezzle, or destroy, any newspaper with which he shall be intrusted, such offenders, for every such offence, shall forfeit a sum not exceed-

2d Congress.  
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Amend-  
ments of  
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ing fifty dollars. *Provided*—That the postmaster, in any contract he may enter into for the conveyance of the mail, may authorize the person with whom such contract is made, to carry newspapers other than those conveyed in the mail.'

"In section 24, *line 5*, after the word 'exceed,' insert these words, 'forty *per cent.*, to any deputy whose compensation thereby shall not exceed fifty dollars, nor thirty *per cent.* to any deputy whose compensation thereby shall not exceed one hundred dollars, nor;' and, in the same line, between the words 'any' and 'deputy,' insert the word 'other,' and *dele* the words 'other than,' and insert the word 'except.'

"In the same section, *line 11*, *dele* the word 'fifteen,' and insert the word 'eighteen,' and, at the end of the section, insert these words, 'for all services by him rendered.'

"*Dele* the 25th section. [The 25th section is as follows:—*And be it further enacted*—That it shall be the duty of the postmasters of the respective cities of New York, Philadelphia, Annapolis, and Charleston, and of the towns of Portsmouth, in New Hampshire, Boston, Salem, Providence, Newport, and Baltimore, to cause all letters directed to persons in any of the said cities or towns, or the liberties thereof, to be delivered at the houses or dwelling of such persons, and that one cent, in addition to the postage, be charged on every letter or packet so delivered.]

"In section 26, *line 3*, after the word 'render,' insert the word 'his,' and to the word 'account' add the letter 's.'

"In the same section, *line 4*, *dele* the word 'six,' and insert 'three.'

"In the same section, *line 7*, *dele* the words 'half year,' and insert these words: 'three months.'

"In section 27, *line 1*, between the words 'all penalties,' insert the word 'pecuniary,' and *dele* the word 'recovered,' and insert the word 'incurred.'

"In section 28, *line 2*, *dele* all the words following the word 'provision,' to the word 'where,' in *line 3*.

"In section 30, *line 2*, after the words 'post office,' insert these words: 'which shall have accrued.'

"In the same section, *line 2*, *dele* the words 'passing of this act, and,' and insert these words, 'first day of June next.'

"*And be it further enacted*—That the act passed the last session of 8. JUNE Congress, entitled 'An act to continue in force, for a limited time, P. 384 an act, entitled 'An act for the temporary establishment of the post office,' be, and the same is, hereby, continued in full force, until the first day of June next, and no longer."

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ments of  
Senate.

“At the end of the bill insert the following clause: ‘*And be it further enacted*—That this act shall be in force for the term of two years from the first day of June next, and no longer.’  
“And that the sections be numbered conformably.”

On the 2d of February, the House of Representatives considered the amendments of the Senate, agreeing to some of them, and disagreeing to others, by the adoption of the following resolution:—

S. Journal,  
p. 501.

“*Resolved*—That the House of Representatives doth disagree to the sixth amendment proposed by the Senate, in section 1st, and doth agree to all the other amendments to the said bill, with amendments to the 15th amendment, in the said 1st section, as follow:—In the words proposed to be inserted by the Senate, between ‘Dailey’s’ and ‘Plymouth,’ insert ‘to,’ and strike out the words, ‘by Mackay’s Ferry to Edenton.’ In the body of the bill, line —, after the word ‘and,’ in the third place, insert the words, ‘by Plymouth, to.’”

Id. p. 387.

Amend-  
ments  
agreed to.

The Senate, on the 3d, receded from their sixth amendment, and concurred with the House of Representatives in their amendments to the amendments of the Senate.

2d Session.

The President’s message to Congress, in November, 1792, brought the subject of the post office again under the notice of that body, in the following paragraph:—

Extract  
from Mes-  
sage of  
President.

“It is represented that some provisions in the law which establishes the post office, operate, in experiment, against the transmission of newspapers to distant parts of the country. Should this, upon due inquiry, be found to be the fact, a full conviction of the importance of facilitating the circulation of political intelligence and information, will, I doubt not, lead to the application of a remedy:”

President’s  
Message,  
2d Congr.  
2d Session.  
H. Journal,  
p. 613.  
S. Journal,  
p. 454.

And the address of the House of Representatives, in reply to the message, contains the following pledge:—

Reply of  
House.

“The operation of the law establishing the post office, as it relates to the transmission of newspapers, will merit our particular inquiry and attention—the circulation of political intelligence, through these vehicles, being justly reckoned among the surest means of preventing the degeneracy of a free government, as well as of recommending every salutary public measure to the confidence and co-operation of all virtuous citizens.”

H. Journal  
p. 617



## CHAP. III.

## National Revenue—Post Office—Bill to reduce Postage on Newspapers.

1792.

1st Congress.  
1st Session.Committee  
to report  
what  
change ne-  
cessary.

In redemption of the pledge contained in this paragraph, the House of Representatives, on the 14th November, 1792, appointed Messrs. Murray, Baldwin, Gilman, Ames, and Barnwell, a committee to take into consideration that part of the President's speech which relates to the transmission of newspapers, and to report whether any, and what, alterations may be necessary in the act passed last session, for the regulation of the post office; and, on the 16th, Mr. Venable and Mr. Steele were added to this committee. Mr. Steele was afterwards excused from serving on the committee, and Mr. Grove was appointed in his room by an order of the house, of the 16th of January, 1793. On the 18th of February, Mr. Murray, from this committee, made a report, which was committed to a committee of the whole house. But there was no subsequent action on the subject by the second Congress.

H. Journal,  
p. 620.

Id. p. 621.

Id. p. 674.

Id. p. 705.

1st Congress.  
1st Session.POSTAGE  
ON NEWS-  
PAPERS.Bill passed  
by House.Rejected  
in Senate.

ON the 2d of March, 1792, the first session of the second Congress, a committee was appointed in the House of Representatives, consisting of Messrs. Gerry, Murray, and Findley, to prepare and bring in a bill or bills, for reducing the rates of postage on newspapers. And, on the 6th, Mr. Gerry, from this committee, presented a bill, which was then read the first time, and on the 7th received the second reading, and was committed to a committee of the whole house. This bill was considered in committee of the whole on the 26th of April, and was reported with an amendment, which was agreed to by the House, and the bill was ordered to be engrossed; and on the next day it was read the third time and passed.

Id. p. 525.  
529.Id. p. 590,  
591.S. Journal,  
p. 434.1st Congress.  
1st Session.NATHANIEL  
TWINING.

AT the second session of the first Congress, on the 6th of May, 1790, a memorial of Nathaniel Twining was presented to the House of Representatives, praying relief for certain losses and injuries sustained by him, in consequence of a contract entered into with the late post-master general for the conveyance of the mail, which was referred, on the 7th, to Messrs. Burke, Lee, and Vining, for examination. Mr. Burke made a report from this committee on the 20th of May, which was taken up for con-

1790.

H. Journal,  
p. 209, 211.  
219.Id. p. 226,  
227.

**1st Congress.** sideration, on the 28th, when the following resolution was  
**2d Session.** adopted:—

**Resolution** “*Resolved*—That the penalty incurred by Nathaniel Twi-  
**of House.** ning in consequence of the failure of his contract, as executed with the late post-master general, for transporting the mail by means of carriages, from Georgetown to Charleston, and from thence to Savannah, from the month of September, one thousand seven hundred and eighty-seven, until the first of January, one thousand seven hundred and eighty-eight, be remitted; and that he be allowed, out of the treasury of the United States, the sum of five hundred and sixty-seven dollars and forty-one cents, and also the additional sum of eight dollars, for having transported the mail from the head of Elk to Philadelphia, after the first day of January, one thousand seven hundred and eighty-eight, as appears by sufficient vouchers.”

It was then ordered that Messrs. Burke, Lee, and Vining,  
**[H. B. 72.]** prepare and bring in a bill pursuant to this resolution. Mr. **H. Journal,**  
Burke, on the 3d of June, presented, from this committee, a bill **p. 233, 234.**  
**Bill report-** for the relief of Nathaniel Twining, in certain cases, which was  
**ed.** then read the first time, and on the following day was read the second time and referred to Messrs. Burke, Lee, and Vining.  
Mr. Burke made a report on the 8th, which was considered on **Id. p. 235.**  
the 14th, when the bill was amended, and ordered to be en-  
**Passed by** grossed for the third reading, and on the 15th the bill was read **Id. p. 241,**  
**House.** the third time and passed, and was sent to the Senate. **242.**

In the Senate this bill was read the first and second time, on **S. Journal,**  
the 15th and 16th, and was committed to Messrs. Langdon, **p. 158, 164.**  
Wingate, and Maclay. Mr. Langdon reported, from this com- **Id. p. 165.**  
mittee, on the 23d, and, on the 24th, the Senate proceeded to consider the report as follows:—

**Report o** “That they have heard Mr. Twining on the subject, and ex-  
**Senate** amined the documents relative to his contract for transporting  
**committee** the mail between Charleston and Savannah, for the year 1787,  
**against bill.** and taken into consideration his repeated failures in the course of that year, the forfeitures remitted, and the allowance already made him; it is, therefore, the opinion of the committee, that the forfeitures incurred by the said Twining, in neglecting to transport the mail agreeably to contract, from the month of September, 1787, to that of January, 1788, should not be remitted, and that the  
**Report dis-** said bill be disagreed to by the Senate.”  
**agreed to.**

The question being then put on agreeing to the report of the **Id. p. 166.**  
committee, it was determined in the negative, and the bill was

## CHAP. III.

## National Revenue—Public Lands.

1790.

1st Congress.  
2d Session.

Bill passed.

ordered to the third reading; and on the 27th the bill was passed.

Several petitions connected with the post office department were presented, at various times, and disposed of either by reference to the proper executive officer, or laid on the table. The object of some of these was provided for by the bills which have been described, and on the residue of the petitions there appears to have been no legislative action.

## THE PUBLIC LANDS.

1st Congress.  
1st Session.PUBLIC  
LANDS.Committee  
on West-  
ern lands.

THE third great source of national revenue, the public lands, suggested itself also to the attention of the first Congress, soon after their meeting. On the 28th of May, 1789, the House of Representatives ordered that Messrs. Scott, Huntington, and Sherman, be a committee, "to consider the state of the unappropriated lands in the Western territory, and to report thereon."

Mr. Scott made a report from this committee on the 15th of June, which was committed to the committee of the whole house on the state of the Union; and was taken into consideration by that committee on the 22d of July, when the following resolution was reported and agreed to by the house:—

Resolution.

"Resolved—That an act of Congress ought to pass for establishing a land office, and for regulating the terms and manner of granting vacant and unappropriated lands, the property of the United States: That the said office be under the superintendence of the governor of the Western territory: That the lands to be disposed of be confined to the following limits; namely:—

"That the tracts or parcels to be disposed of to any one person, shall not exceed ——— acres; that the price to be required for the same shall be ——— per acre; and that every person actually settled within the said limits, shall be entitled to the pre-emption of a quantity not exceeding ——— acres, including his settlement."

Committee  
to prepare  
bill.

Messrs. Scott, Silvester, and Moore, were then instructed to prepare and bring in a bill grounded on this resolution. On the 31st, Mr. Scott, accordingly, presented a bill establishing a land office in and for the Western territory, which was, on that day,

Bill read  
twice.

read a first time, and received the second reading, and was committed to a committee of the whole house, on the next day. The

Postponed.

consideration of this bill was postponed daily until the termination of the session.

1789.

H. Journal,  
p. 42.

Id. p. 48.

Id. p. 64.

Id. p. 69.

Id. p. 70.

## CHAP. III.

## National Revenue—Public Lands.

1790.

1st Congress.  
2d Session.PETITIONS  
OF HANNI-  
BAL WIL-  
LIAM DOB-  
BYNAnd  
GEORGE  
SCRIBA.Secretary  
makes his  
report.

2d Session.

Secretary's  
report com-  
mitted.Resolu-  
tions a-  
greed to.

On the 18th of January, 1790, the petition of Hannibal William Dobbyn, of Ireland, was presented to the house, stating that he desired to become a citizen of the United States, and of making a considerable purchase of the public lands; and praying that the secretary of the treasury might be authorized to contract with him for that purpose. This petition was referred to Messrs. Page, Scott, and Partridge. Mr. Page made a report on this subject on the same day; and, on the 20th, the report was laid on the table, and the secretary of the treasury was directed to report to the house a uniform system for the disposition of lands the property of the United States. It was also, on motion, ordered, "that the state of facts respecting the Western territory, reported by a committee of this house the last session, be referred to the secretary of the treasury for his information." On the 27th, the petition of Dobbyn was also referred to the secre- Id. p. 148.

On the 2d of March, a petition was also presented to the Id. p. 166.

house from George Scriba, praying to be permitted to purchase United States' lands, "not less than two millions, and not exceeding four millions, of acres, on the terms therein mentioned," which was also referred to the secretary of the treasury; and, on the 11th of March, an instruction was sent to the secretary of Id. p. 173.

the treasury to report on these two petitions. On the 22d of Id. p. 276.

July, the secretary transmitted to the house, in obedience to the instructions he had received, his report of a uniform system for the disposition of lands the property of the United States, which was ordered to lie on the table; and, on the 28th, was committed Id. p. 283.

to the committee of the whole house on the state of the Union. There was no further action on this subject during this session.

On the 15th of December, at the commencement of the third Id. p. 338.

session of this Congress, the House of Representatives ordered the report of the secretary of the treasury to be committed to a committee of the whole house on the state of the Union; and, on the 31st, the committee reported several resolutions, which, on the 4th of January, were taken up for consideration, amended, and adopted in the following form:—

1791.

H. Journal  
p. 347.

"*Resolved*—That it is the opinion of this committee, that it is expedient that a general land office be established and opened at the seat of government of the United States.

"That two subordinate land offices be established and opened: one in the government north-west of the Ohio, and the other in the government south of the Ohio.

at Congress.  
1 Session.

Resolu-  
ons of  
ouse.

“That all contracts for the sale of lands above the quantity of ——— acres, shall be exclusively made at the general land office.

“That no land shall be sold, except such in respect to which the titles of the Indian tribes shall have been previously extinguished.

“That the seven ranges already surveyed, be sold in lots as laid out.

“That any quantities may be sold by special contract, comprehended either within natural boundaries or lines, or both; but no survey shall, in any case, be made on a river, but in the proportion of ——— chains back from such river for every chain along the bank thereof.

“That the price shall be thirty cents per acre.

“That warrants for military services be put on the same footing with warrants issuing from the land office; and that the exclusive right of locating the same, in districts set apart for the army, cease, after the ——— day of ———.

“That no credit shall be given for any quantity less than a township of six miles square, nor more than two years' credit for any quantity.

“That in every instance of credit, at least one-quarter part of the consideration shall be paid down, and security, other than the land itself, shall be required for the residue; and that no title shall be given for any tract or part of a purchase, beyond the quantity for which the consideration shall be actually paid. H. Journ  
P. 348.

“That the ——— of each subordinate office shall have the management of all sales, and the issuing of warrants for all locations in the tracts to be set apart for the accommodation of individual settlers, subject to the superintendency of the ——— of the general land office, who may also commit to them the management of any other sales or locations, which it may be found expedient to place under their direction.

“That preference be given, for a limited time, to those actual settlers, whose titles are not secured by the former governments of that country, and the existing ordinances and acts of Congress.

“That there shall be a surveyor general, who shall have power to appoint a deputy surveyor general in each of the Western governments, and a competent number of deputy surveyors, to execute, in person, all warrants to them directed by the surveyor general, or the deputy surveyor generals, within certain districts, to be assigned to them respectively. That the surveyor

1st Congress.  
2d Session.

Resolu-  
tions of  
house.

general shall also have in charge all the duties committed to the geographer general, by the several resolutions of Congress.

“That all warrants issued at the general land office shall be signed by ———, and shall be directed to the surveyor general. That all warrants issued at a subordinate office, shall be signed by ———, and shall be directed to the deputy surveyor general within the government. That the priority of locations upon warrants shall be determined by the times of the applications to the deputy surveyors; and in case of two applications for the same land at one time, the priority may be determined by lot.

“That the treasurer of the United States shall be the receiver of all payments for sales made at the general land office, and may also receive deposits of money for purchases intended to be made at the subordinate offices; his receipt or certificate for which shall be received in payment at these offices.

“That the secretary of each of the Western governments shall be the receiver of all payments arising from sales at the office of such governments.

“That controversies concerning rights to patents, or grants of land, shall be determined by the ——— of that office, under whose immediate direction or jurisdiction, the locations, in respect to which they may arise, shall have been made.

“That the ——— of the general land office, surveyor general, deputy surveyor general, and the ——— of the land office, in each of the Western governments, shall not purchase, nor shall others purchase for them, in trust, any public lands.

“That the secretaries of the Western governments shall give security for the faithful execution of their duty, as receivers of the land office.

“That all patents shall be signed by the President of the United States, and shall be recorded in the office of the secretary of state.

“That all officers, acting under the laws establishing the land office, shall make oath or affirmation faithfully to discharge their respective duties, previously to their entering upon the execution thereof.

“That all surveys of lands shall be at the expense of the purchasers or grantees.

“That the fees shall not exceed certain rates, to be specified in the law, affording equitable compensations for the services of surveyors, and establishing reasonable and customary charges for patents, and other office papers, for the benefit of the United States.

H. Journal,  
p. 349.

at Congress.  
d Session.

Resolu-  
tions of  
house.

“That the ——— of the general land office shall, as soon as may be, from time to time, cause all the rules and regulations, which they may establish, to be published in one gazette, at least, in each state, and in each of the Western governments where there is a gazette, for the information of the citizens of the United States.”

It was then ordered that a bill, or bills, be brought in, pursuant to these resolutions, and that Messrs. White, Scott, and Bloodworth, prepare and bring in the same.

Bill to es-  
tablish of-  
fices.

On the 14th of January, Mr. White, from the committee, presented a bill to establish offices for the purpose of granting lands within the territories of the United States, which was then read the first and second time, and committed to the committee of the whole house. The committee had this bill under consideration, on the 10th and 11th of February, when they reported several amendments, which were discussed in the house, on the 12th, 14th, and 15th, when the bill was further amended, after the report of the committee had been agreed to.

H. Journal,  
p. 354.

Id. 374, 375.  
377 379.

It was then moved to amend the bill, by adding to the end of the second section, the following *proviso* :—

“*Provided, always*—That any purchaser of lands, when the payment thereof shall be due, may proffer in payment any of the certificates of the funded debt of the United States, at the same rates as the treasurer shall have allowed for such certificates, respectively, in the last purchase which he shall have made thereof, prior to such payment.”

Passed by  
house.

And the question being taken on this motion, it was decided in the affirmative, by the following vote:—

Id. p. 380.

*Ayes*—Messrs. Ames, Ashe, Baldwin, Bloodworth, Boudinot, B. Bourne, Burke, Cadwalader, Carroll, Fitzsimons, Gale, Gerry, Gilman, Goodhue, Griffin, Giles, Hathorn, Heister, Jackson, Lee, Livermore, Madison, jr., Mathews, Moore, Sevier, Sherman, Sinnerickson, Smith, of Maryland, Sumpter, Thatcher, Tucker, White, Williamson, Wynkoop.—34.

*Noes*—Messrs. Benson, Brown, Clymer, Contee, Floyd, Foster, Hartley, Huntington, Lawrance, Leonard, Muhlenberg, Partridge, Van Rensselaer, Scott, Sedgwick, Seney, Silvester, Smith, of South Carolina, Stone, Trumbull, Vining.—21.

The bill was then ordered to be engrossed for the third reading; and, on the 16th, the blanks having been filled up, the bill was read the third time, and passed.

Id. p. 381.

## CHAP. III.

## National Revenue—Public Lands.

1791.

1st Congress.  
2d Session.

The bill was read the first time in the Senate, on the 16th; and on the 21st, the second reading being under consideration, the bill was referred to Messrs. Strong, Ellsworth, Foster, King, and Monroe, "to consider and report what is proper to be done thereon." Mr. Strong, on the 26th, reported "that the further

S. Journal,  
p. 270. 277.

Id. p. 289.

Postponed  
by Senate.

consideration of this bill be postponed, until the next session of Congress." It was then moved, and agreed to, to postpone the report of the committee, and resume the second reading of the bill, and, after some debate, the bill was recommitted. On the 1st of March, a second report was made by Mr. Strong, when the Senate adopted the following resolution:—

Id. p. 294,  
295.

*"Resolved, by the Senate and House of Representatives of the United States of America, in Congress assembled—That the President of the United States be, and he hereby is, requested to cause a return to be made to Congress, at their next session, of the quantity and situation of the lands not claimed by the Indians, nor granted to, nor claimed by any of the citizens of the United States, within the territory ceded to the United States, by the state of North Carolina, and within the territory of the United States, north-west of the river Ohio."*

It was then ordered that the concurrence of the House of Representatives in this resolution be requested; and the further consideration of the present bill be postponed until the next session of Congress.

On the 2d of March, the House of Representatives concurred in the above resolution, after amending it, by striking out the words "a return to be made to," and inserting in lieu thereof, the words "an estimate to be laid before." On the 3d of March, the Senate acquiesced in this amendment to the resolution.

H. Journal,  
p. 400.S. Journal,  
p. 306.2d Congress.  
1st Session.

A REPLY to this resolution is contained in the following message from the President of the United States, transmitted to the two houses of Congress, on the 10th of November, 1791, being the first session of the second Congress, and in the report of the secretary of state accompanying it.

1792.

S. Journal,  
p. 339.H. Journal,  
p. 452.

*"Gentlemen of the Senate, and of the House of Representatives:—*

*"The resolution passed at the last session of Congress, requesting the President of the United States to cause an estimate to be laid before Congress, at their next session, of the quantity*



Congress.  
Session.

and situation of the lands not claimed by the Indians, nor granted to, nor claimed by, any of the citizens of the United States, within the territory ceded to the United States by the state of North Carolina, and within the territory of the United States, north-west of the river Ohio, has been referred to the secretary of state, a copy of whose report on that subject, I now lay before you, together with the copy of a letter accompanying it.

"G. WASHINGTON."

"United States, November 10, 1791.

Congress.  
Session.

On the subject of the cession of lands by the state of North Carolina, referred to in the above resolution, the following legislative proceedings took place at the second session of this Congress. On the 1st of February, 1790, the following message from the President of the United States, was communicated to the two houses of Congress:—

1790.

"United States, February 1, 1790.

"Gentlemen of the Senate, and House of Representatives:—

Message of  
President  
with re-  
gard to ces-  
sion of  
lands by  
North Ca-  
rolina.

"I have received from his Excellency Alexander Martin, governor of the state of North Carolina, an act of the General Assembly of that state, entitled 'An act for the purpose of ceding to the United States of America, certain western lands therein described,' and have directed my secretary to lay a copy of the same before you, together with a copy of a letter accompanying the said act, from his Excellency Governor Martin to the President of the United States.

H. Journal,  
p. 156.  
S. Journal,  
p. 110.

"The originals of the foregoing act and letter will be deposited in the office of the secretary of state.

"GEORGE WASHINGTON."

Report of  
committee  
agreed to.

In the Senate this communication was referred to Messrs. Henry, Izard, Ellsworth, Bassett, and Few. On the 17th, Mr. Henry, from this committee, made a report, the consideration of which was assigned for the morrow; but it was not taken up until the 22d, when it was agreed to as follows:—

Id. p. 114,  
115.

Report.

"That it will be expedient for Congress, on behalf of the United States, to accept of the cession proposed by the said act, upon the conditions therein contained; and that, when a deed shall be executed for the same, they express their acceptance thereof by a legislative act."

On the day when the message of the President was received, Mr. Johnston and Mr. Hawkins, the senators from North Caro-

Id. p. 109,  
110.

## CHAP. III.

## National Revenue—Public Lands.

1790.

1st Congress.  
2d Session.

lina, laid before the Senate an exemplified copy of the act of the state of North Carolina, entitled "An act for the purpose of ceding to the United States of America, certain western lands therein described." On the 23d, Messrs. Ellsworth, Strong, and Izard, were appointed a committee to bring in a bill for declaring the acceptance of certain lands ceded to the United States, by the legislature of North Carolina, as described in their act of cession, when a deed thereof shall be executed." On the 3d of March, Mr. Ellsworth reported a bill "to accept a cession of the claims of the state of North Carolina to a certain district of western territory," which was then read the first time, and was

S. Journal,  
p. 115. 117.Bill passed  
in Senate,

read the second time on the 4th, and the third time on the day following. In the House of Representatives, the bill was read the first time on the 5th, and had the second reading, and was committed, on the 8th. On the 26th, the bill was considered in committee of the whole, and reported with an amendment, which

Id. p. 118.  
H. Journal,  
p. 169.And in the  
House.

was agreed to by the House; and on the 29th the bill was read the third time and passed, with the following amendment:—"In the first line, strike out the words 'the honourable.' " The Senate, on the same day, agreed to the amendment of the House, with an amendment, which was afterwards concurred in by the House.

Id. p. 183.  
S. Journal,  
p. 125.Bill providing  
for a surveyor  
general.

On the 5th of August, the House of Representatives adopted a resolution, "That a surveyor-general for the United States be appointed, who shall forthwith proceed to the completion of the surveys of all lands heretofore sold under the authority of the late Congress; and Messrs. Smith, of South Carolina, Page, and White, were appointed a committee to prepare and bring in a bill or bills to that effect. On the 6th, Mr. Smith introduced a bill, according to the instruction, which was then read the first time, and was read the second time on the 7th, when a motion for its third reading was negatived, and, consequently, the bill

H. Journal,  
p. 291.

Id. p. 292.

Id. p. 293.

Rejected.

was rejected.

2d Congress.  
2d Session.

IN reference to the cession made by North Carolina, there appears to have been a subsequent proceeding during the second session of the second Congress, which it may be convenient to introduce here. On the 28th of November, 1792, the House of Representatives adopted the following resolution:—

1792.

Resolution  
as to north-  
ern bound-  
ary of the

"Resolved, That the President of the United States be requested and authorized, with the concurrence of the states of Virginia and Kentucky, to cause the line to be extended from the

H. Journal,  
p. 629.

MAP. III.

National Revenue—Public Lands.

1792.

Congress.  
Session.North Ca-  
rolina ces-  
sion.

western termination of the line, formerly run by Fry and Jefferson, on the part of Virginia, and by other surveyors on the part of North Carolina, by a surveyor of sufficient abilities, in the proper latitude, whereby the northern boundary of the territory ceded to the United States by the state of North Carolina, may be determined; and that Congress will provide for the necessary expense attending the same."

Bill to de-  
termine  
boundary.

It was then ordered, that Messrs. Boudinot, Williamson, and Page, be a committee to prepare and bring in a bill pursuant to this resolution. And on the 3d of December, Mr. Boudinot, from this committee, presented a bill for determining the northern boundary of the territory ceded to the United States by the state of North Carolina, which was read the first time, and received its second reading, and was committed, on the following day. On the 17th of January, 1793, the bill was considered in committee of the whole and reported with an amendment, which was agreed to by the House, and the bill was ordered to be engrossed for the third reading; and on the 18th the bill was read the third time and passed. In the Senate, the bill was read the first time on the 18th, and, on the next day, was read the second time, and referred to Messrs. Rutherford, Hawkins, and Strong, with an instruction to consider the subject generally, and report thereon. And, on the 8th of February, Mr. Rutherford made a report from this committee, and the second reading being then resumed, it was resolved that this bill do not pass. So the bill was rejected.

H. Journal,  
p. 631.Id. p. 674,  
675.Bill passed  
by House.S. Journal,  
p. 472, 473.Rejected  
by Senate.

Id. p. 482.

1st Congress.  
1st Session.

On the 23d of July, 1789, the House of Representatives adopted the following resolution:—

1789.

Lands re-  
served by  
Virginia  
for officers  
and sol-  
diers.

"Resolved—That a committee be appointed to examine into the measures taken by Congress and the state of Virginia, respecting the lands reserved for the use of the officers and soldiers of the said state, in continental and state establishments, in the cession made by the said state to the United States of the territory north-west of the river Ohio, and to report the same to this house; and that Mr. White, Mr. Peter Muhlenberg, and Mr. Seney, be of the said committee." On the 31st, Mr. White, from this committee, presented a report, which was ordered to lie on the table. And, on the 18th of September, the house proceeded to consider this report, and then ordered that its further consideration be postponed until the next session of Congress.

H. Journal,  
p. 65.

Id. p. 69.

Report of  
committee.

Id. p. 114.

## CHAP. III.

## National Revenue—Public Lands.

1790.

1st Congress.  
2d Session.

At the next session, on the 28th of January, 1790, a resolution was adopted by the House of Representatives in precisely the same words, and the same gentlemen were again appointed a committee on the subject. And on the 1st of February, Mr.

H. Journal,  
p. 149, 150.Second re-  
port.

White again made a report, which was ordered to lie on the table. This report was, on the 30th of April, committed to the committee of the whole house, on the state of the Union. On the 28th of June, the committee reported a resolution, which was agreed to by the house, as follows:—

Id. p. 207.

Resolution.

“Resolved—That the resolution of Congress of the 17th of July, 1788, respecting the lands reserved for the Virginia troops, on continental and state establishments, pursuant to the cession made by the said state to the United States, of the territory north-west of the river Ohio, ought to be repealed.”

Id. p. 252.

Bill.

It was then ordered that the said resolution be referred to Messrs. Brown, Boudinot, White, Huntington, and Benson, with instruction to prepare and bring in a bill or bills for carrying into effect the reservations contained in the deed of cession made by the state of Virginia to the United States, of the territory north-west of the river Ohio. Mr. Brown, from this committee, on the 15th of July, introduced a bill to enable the officers and soldiers of the Virginia line on continental establishment, to obtain titles to certain lands lying north-west of the river Ohio, between the Little Miami and Sciota, which was read the first and second time, and committed to a committee of the whole house. The bill was considered in committee of the whole on the 19th, and being reported without amendment, was ordered

Id. p. 270,  
271.Passed by  
House.

to be engrossed. And on the 20th, it was read the third time, and passed. On the same day, this bill received its first reading in the Senate, and was read the second time on the 21st, when it was committed to Messrs. Lee, Strong, and Ellsworth. Mr. Lee, on the 22d, reported the bill without amendment. On the 24th and 27th, the bill was debated, and postponed, and on the 28th was recommitted. On the 3d of August, the Senate agreed to expunge the second, third, and fourth sections; and, thus amended, the bill was ordered to the third reading. It was moved on the 6th, to substitute the following paragraphs for the three sections which had been stricken out:—

Id. p. 273,  
274.S. Journal,  
p. 186—  
190. 194.Amend-  
ments by  
Senate.

“And whereas the agents for such of the troops of the state of Virginia, who served in the continental establishment, or the army of the United States, during the late war, have reported to the executive of the said state, that there is not a sufficiency

Id. p. 200,  
201.

Congress.  
Session.

Amend-  
ments by  
state.

of good land on the south-easterly side of the river Ohio, and within the limits assigned by the laws of the said state, to satisfy the said troops for the bounty lands due to them, in conformity to the said laws: To the intent, therefore, that the difference between what has already been located for the said troops, on the south-easterly side of the said river, and the aggregate of which is due to the whole of the said troops, may be located on the north-westerly side of the said river, and between the Sciota and Little Miami rivers, as stipulated by the said state.

“*Sect. II. Be it further enacted*—That the secretary of the department of war shall make return to the executive of the state of Virginia, of the names of such of the officers, non-commissioned officers, and privates of the line, of the said state, who served in the army of the United States, on the continental establishment, during the late war; and, also, in conformity to the laws of the said state, are entitled to bounty lands; and shall, also, in such return, state the aggregate amount in acres, due to the said line by the terms aforesaid.

“*Sect. III. And be it further enacted*—That it shall, and may be lawful for the said agents to locate, to and for the use of the said troops, between the rivers Sciota and Little Miami, such a number of acres of good land as shall, together with the number already located between the said two rivers, and the number already located on the south-easterly side of the river Ohio, be equal to the aggregate amount, so to be returned as aforesaid by the secretary for the department of war.

“*Sect. IV. Be it further enacted*—That the said agents, as soon as may be after the locations, surveys, and allotments are made and completed, shall enter, in regular order, in a book, to be by them provided for that purpose, the bounds of each location and survey between the said two rivers, annexing the name of the officer, non-commissioned officer, or private, originally entitled to each; which entries being certified by the said agents, or the majority of them, to be true entries, the book containing the same shall be filed in the office of the secretary of state.

“*Sect. V. And be it further enacted*—That it shall be law-  
ful for the President of the United States to cause letters patent  
to be made out, in such words and form as he shall devise and  
direct, granting to such person, so originally entitled to bounty  
lands, to his use, and to the use of his heirs or assigns, or his  
other legal representative or representatives, his, her, or their  
heirs or assigns, the lands designated in the said entries: *Pro-  
vided, always*—That before the seal of the United States shall

S. Journal,  
P. 201.

## CHAP. III.

## National Revenue—Public Lands.

1790.

1st Congress.  
2d Session.Amend-  
ments by  
Senate.

be affixed to such letters patent, the secretary for the department of war shall have endorsed thereon, that the grantee therein named was originally entitled to such bounty lands, and that he has examined the bounds thereof with the book of entries filed in the office of the secretary of state, and finds the same truly inserted; and every such letters patent shall be countersigned by the secretary of state, and a minute of the date thereof, and the name of the grantee, shall be entered of record in his office, in a book to be specially provided for the purpose.

“*Sect. VI. And be it further enacted*—That it shall be the duty of the secretary of state, as soon as may be after the letters patent shall be so completed, and entered of record, to transmit the same to the executive of the state of Virginia, to be by him delivered to each grantee: or, in case of his death, or that the right of the grantee shall have been legally transferred before such delivery, then to his legal representative or representatives, or to one of them.

“*Sect. VII. And be it further enacted*—That no fees shall be charged for such letters patent and record, to the grantees, their heirs or assigns, or to his or their legal representative or representatives.”

Amended  
and passed.

The bill was again taken up for consideration on the 7th of August, when the report of the committee was agreed to, amended as follows: After the word “Ohio,” 4th line, insert, “according to the act of cession from the said state to the United States.” And the bill, thus amended, was passed. On the same day, the House of Representatives agreed to the amendments of the Senate.

S. Journal  
P. 203.H. Journal  
P. 293.

2d Session.

Message of  
President  
concerning  
Virginia  
line.

On the 17th of January, 1791, the subject of the bounty lands to the Virginia line was again brought before this Congress at their third session, by a communication from the President of the United States, enclosing “a copy of two resolutions of the legislature of Virginia, and of a petition of sundry officers, and assignees of officers and soldiers of the Virginia line, on continental establishment, on the subject of bounty lands allotted to them on the north-west side of the Ohio.”

1791.

S. Journal  
P. 233.H. Journal  
P. 355.2d Congress.  
1st Session.Message  
referred.

On the 3d of November, it was ordered by the House of Representatives, soon after the meeting of the second Congress, that so much of the message of the President as is above quoted, together with all previous proceedings of Congress, or the legis-

H. Journal  
P. 447.

Congress.  
t Session.

lature of the state of Virginia, and all papers relative thereto, be referred to a committee, consisting of Messrs. Giles, Clarke, and Livermore, with instruction to examine the matter thereof, and report the same, with their opinion thereupon, to the house. But there does not appear to have been any subsequent action of Congress on this subject during the legislative period which is embraced within this volume, with the exception of a movement by Mr. Monroe, in the Senate, of which the following is a brief account.

d Session.

Mr. Mon-  
roe's bill.

On the 21st of January, 1793, nearly at the close of the second Congress, Mr. Monroe gave notice that he should, on the morrow, move for leave to bring in a bill to explain and amend an act, entitled "An act to enable the officers and soldiers of the Virginia line, on continental establishment, to obtain titles to certain lands lying north-west of the river Ohio, between the Little Miami and Sciota." Mr. Monroe introduced his bill on the 31st of January, when it was read the first time, and ordered to the second reading; and, on the following day, it was read the second time, and committed to Messrs. Read, Sherman, and Monroe. Mr. Monroe, on the 25th of February, reported, that the further consideration thereof be postponed until the next session of Congress; and this report was agreed to.

1793.

S. Journal,  
p. 473.

Id. p. 477.

Id. p. 494.

Congress.  
e Session.

At the commencement of the second Congress, the President, in his opening message, thus adverts to the subject of the public lands:—

1791.

Sugges-  
on of Pre-  
dent as to  
vacant  
lands.

"A provision for the sale of the vacant lands of the United States, is particularly urged, among other reasons, by the important considerations, that they are pledged as a fund for reimbursing the public debt; that, if timely and judiciously applied, they may save the necessity of burdening our citizens with new taxes for the extinguishment of the principal; and that, being free to discharge the principal, but in a limited proportion, no opportunity ought to be lost for availing the public of its right."

S. Journal,  
p. 327.

H. Journal,  
p. 438.

Committee  
prepare  
bill.

On the 1st of November, this part of the message was referred to Messrs. Williamson, Boudinot, and White, with instructions to prepare and bring in a bill, or bills, pursuant thereto. Mr. Williamson, from this committee, on the 21st of April, 1792, presented a bill for the sale of lands in the territory of the United States, north-west of the river Ohio; which was then read the first time, and, on the next day, was read the second time, and

Id. p. 445,  
446.

## CHAP. III.

## National Revenue—Public Lands.

1791.

2d Congress.  
1st Session. committed to a committee of the whole house. This bill was not further acted on.

Senate  
committee. In the Senate, Messrs. King, Foster, Monroe, Strong, and Butler, were, on the 1st of November, 1792, appointed a committee to report a bill for establishing offices for the purpose of granting lands within the territories of the United States. But this committee made no report on the subject. S. Journal,  
p. 335.

1st Congress.  
3d Session. THE following message from the President of the United States was transmitted to the two houses of Congress, on the 23d of December, 1790:— 1790-91.

“United States, December 23d, 1790.

“Gentlemen of the Senate, and House of Representatives:—

Message of  
President  
concerning  
North-  
Western  
lands. “It appearing, by the report of the secretary of the government north-west of the Ohio, that there are certain cases respecting grants of land within that territory, which require the interference of the legislature of the United States, I have directed a copy of said report, and the papers therein referred to, to be laid before you, together with a copy of the report of the secretary of state, upon the same subject. H. Journal,  
p. 342.  
S. Journal,  
p. 226.

“GEORGE WASHINGTON.”

On the 31st, the Senate ordered that Messrs. Strong, Ellsworth, and Maclay, be a committee to take this message into consideration, with the papers referred to, and report what is proper to be done thereon; and, on the 7th of January, 1791, Mr. Strong, from this committee, reported a bill for granting lands to the inhabitants and settlers at Vincennes, and the Illinois country, in the territory north-west of the Ohio, and for confirming them in their possessions. This bill received its first reading on that day, and, on the 10th, was read the second time, and ordered to the third reading. The bill was passed on the following day. In the House of Representatives the bill was read the first time on the 11th, and received the second reading, and was committed to a committee of the whole house, on the next day. On the 26th of February, the committee of the whole was discharged from further considering this bill, and it was referred to Messrs. White, Carroll, and Brown. On the 2d of March, the bill was passed with amendments. id. p. 227.  
id. p. 231.  
id. p. 232.  
H. Journal,  
p. 352.  
id. p. 394.  
id. p. 404.

The bill, as it was sent from the Senate, is as follows:—



Congress.  
Session.

Bill as it  
passed the  
Senate.

*"Section 1. Be it enacted, by the Senate and House of Representatives of the United States of America, in Congress assembled—*

S. Journal,  
p. 202, 203.

*That four hundred acres of land be given to each of those persons, who, in the year one thousand seven hundred and eighty-three, were heads of families at Vincennes, or in the Illinois country, on the Mississippi, and who, since that time, have removed from one of the said places to the other; and the governor of the territory north-west of the Ohio, is hereby directed to cause the same to be laid out for them, at their own expense, either at Vincennes, or in the Illinois country, as they shall severally elect.*

*"Sect. 2. And be it further enacted and declared—That the heads of families at Vincennes, in the year one thousand seven hundred and eighty-three, who afterwards removed without the limits of the said territory, are, notwithstanding, entitled to the donation of four hundred acres of land, made by the resolve of Congress, of the twenty-ninth of August, one thousand seven hundred and eighty-eight.*

*"Sect. 3. And be it further enacted—That one hundred and fifty acres of land heretofore in possession of the Piankeshaw Indians, and now under actual improvement, and constituting a part of the village of Vincennes, be given to the persons who are severally in possession of the said land.*

*"Sect. 4. And be it further enacted—That where lands have been actually improved and cultivated at Vincennes, or in the Illinois country, under a supposed grant of the same by any commandant or court claiming authority to make such grant, the governor of the said territory be, and he hereby is, empowered to confirm to the persons who made such improvements, their heirs or assigns, the lands supposed to have been granted as aforesaid, or such parts thereof as he in his discretion may judge reasonable, not exceeding, to any one person, four hundred acres.*

*"Sect. 5. And be it further enacted—That a tract of land, containing about five thousand four hundred acres, which, for many years, has been fenced and used by the inhabitants of Vincennes as a common, be, and the same is, hereby confirmed to the said inhabitants, to be used as a common, until a division thereof in severalty among the said inhabitants shall be decreed by law.*

*"Sect. 6. And be it further enacted—That the governor of the said territory be authorized to make a grant of land, not exceeding one hundred acres to each person, who hath not obtained any donation of land from the United States, and who, on the first day of August, one thousand seven hundred and*

1st Congress.  
3d Session.

Bill as it  
passed the  
Senate.

ninety, was enrolled in the militia of Vincennes, and has done militia duty: the said land to be laid out at the expense of the grantees, and in such form and place as the said governor shall direct."

The amendments of the House of Representatives to this bill are these:—

Amend-  
ments of  
the House.

"*Sect. 2, line 2.* After the word 'Vincennes,' add 'or in the Illinois country.'

"*Line 5.* After the word 'eight,' add, 'and the governor of the said territory, upon application to him for that purpose, is hereby directed to cause the same to be laid out for such heads of families, or their heirs, and shall also cause to be laid off and confirmed to such persons the several tracts of land which they may have possessed, and which, before the year one thousand seven hundred and eighty-three, may have been allotted to them, according to the laws and usages of the government under which they had respectively settled: *Provided, nevertheless,* That if such persons, or their heirs, do not return and occupy the said land within five years, such lands shall be considered as forfeited to the United States.

"*Sect. 5, line 3.* After the word 'common,' insert 'also a tract of land including the villages of Chohos and Prairie du Pont, and heretofore used by the inhabitants of the said villages as a common.'

"Same line, after the word 'same,' strike out to the end of the clause, and add, 'are hereby appropriated to the use of the inhabitants of Vincennes and of the said villages, respectively, to be used by them as a common, until otherwise disposed of by law.

"*Sect. 6, line 5.* After the word 'Vincennes,' insert 'or in the Illinois country,' and to the end of the same line add, '*Provided, nevertheless,* That no claim founded upon purchase or otherwise, shall be admitted within a tract of land heretofore occupied by the Kaskaskia nation of Indians, and including their village, which is hereby appropriated to the use of the said Indians.'

"To the end of the bill add,

"*Sect. 7. And be it further enacted*—That two lots of land, heretofore in the occupation of the priests at Cahokia, and planted near that village, be, and the same is, hereby granted, in fee, to P. Gibault; and that a tract of land at Kaskaskia, formerly occupied by the Jesuits, be laid off and confirmed to St. Jerome Beauvais, who claims the same in virtue of a purchase thereof.

# HISTORY OF CONGRESS.

AP. HL.

National Revenue—Public Lands.

1791.

Congress.  
Session.

Amend-  
ments of  
House.

"Sect. 8. *And be it further enacted*—That so much of the act of Congress, of the 28th day of August, one thousand seven hundred and eighty-eight, as refers to the locations of certain tracts of land, directed to be run out and reserved for donations to the ancient settlers, in the Illinois country, be, and the same is, hereby repealed; and the governor of the said territory is directed to lay out the same, agreeably to the act of Congress of the twentieth day of June, one thousand seven hundred and eighty-eight."

It was then ordered by the Senate, that these amendments be referred to the committee who were originally appointed to bring in the bill. S. Journal, p. 306.

State con-

Mr. Strong, from this committee, made a report on the 3d, and the Senate then determined to concur in the amendments of the House of Representatives, with an amendment to the amendment proposed in the sixth section; to wit: "Insert the *proviso* at the end of the sixth section." The House of Representatives, on the same day, agreed to this amendment. H. Journal, p. 404.

Congress.  
Session.

On the 11th of November, 1791, the President of the United States transmitted to the two houses, a message, containing the following paragraph:— 1791-92.

President's  
message.  
Symmes's  
purchase.

"Sundry papers relating to the purchase, by Judge Symmes, of the lands on the Great Miami, having been communicated to me, I have thought it proper to lay the same before you, for your information on that subject." S. Journal, p. 340.  
H. Journal, p. 453.

referred,  
also the  
petition of  
United  
Brethren.

It was then ordered, that the papers relating to the Miami purchase be referred to the committee appointed to prepare a bill to establish offices, for the purpose of granting lands within the territories of the United States. To the same committee was also referred, on the 2d of December, the memorial and petition of the Society of United Brethren for propagating the gospel among the heathen, praying that the resolve of Congress of the 3d of September, 1788, making a grant of certain lands for the benefit of that society, may be confirmed. Id. p. 467.

bill to as-  
tain  
lands.

On the 22d of March, 1792, Mr. Williamson, from this committee, presented a bill for ascertaining the bounds of a tract of land purchased by John Cleves Symmes, which was read the first and second time, and committed to a committee of the whole house. The bill was considered in committee of the whole on Id. p. 543.

## CHAP. III.

## National Revenue—Public Lands.

1792.

- 2d Congress. 1st Session.** the 23d, and reported without amendment, and was then ordered to be engrossed for the third reading; and, on the following day, H. Journal, p. 545.
- Bill passed.** the bill was read the third time and passed. In the Senate, the bill was read the first time on the 26th of March; and, on the 27th, received its second reading, and was referred to Messrs. Strong, Lee, and Read. Mr. Strong, on the 2d of April, reported an amendment to the bill which was agreed to, and the bill was then ordered to the third reading. The bill was read the third time and passed on the 4th of April. The amendment of the Senate was considered by the House of Representatives on the 5th, and agreed to. Id. p. 546.  
S. Journal, p. 416.  
Id. p. 419.  
H. Journal, p. 563.
- Petition from Symmes for indulgence.** On the 12th of April, a petition was presented to the Senate from John Cleves Symmes, by Jonathan Dayton, his agent, praying to have the same indulgences extended to him and his associates, as are granted, or about to be granted, to the Ohio Company, in respect to their future payments for lands purchased of the United States; which petition was laid on the table. S. Journal, p. 424.
- Bill to authorize conveyance.** A committee was appointed by the House of Representatives on the 23d of April, consisting of Messrs. Dayton, Tredwell, and Gilman, to prepare and bring in a bill, or bills, authorizing the grant and conveyance of certain lands to John Cleves Symmes and his associates. On the 24th this bill was presented, was read the first and second time, and committed to a committee of the whole house. The bill was considered in committee on the 26th, when an amendment was reported, which received the concurrence of the house; and the bill was then ordered to be engrossed for the third reading; and, on the 27th, it was read the third time and passed. In the Senate, the bill was read the first time on the 28th; and, on the 30th, on motion, the bill was referred to Messrs. Read, King, and Carroll. Mr. Read, on the 2d of May, reported several amendments to the bill, which were agreed to; and the bill, by unanimous consent, was then read the third time and passed, in its amended form. And, on the following day, the House acquiesced in these amendments. H. Journal, p. 585.  
Id. p. 586.  
Id. p. 590.  
Id. p. 591.  
S. Journal, p. 434.  
Id. p. 436.  
H. Journal, p. 595.
- Ohio Company.** A petition and memorial was, on the 2d of March, presented from the directors of the Ohio Company of associates, praying that Congress would grant them such terms and conditions for the completion of their contract with the late board of treasury, and for confirming their title to the tract of land then purchased, as would relieve them from the danger, difficulty, and distress in which the said company were involved, from causes

# HISTORY OF CONGRESS.

AP. III.

National Revenue—Public Lands.

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Congress.  
Session.  
referred.  
report.

which had arisen since the purchase, and which were then wholly unforeseen. This petition was referred to Messrs. Sedgwick, Findley, Benson, Learned, and Baldwin. Mr. Sedgwick made a report from this committee on the 8th, which was committed to a committee of the whole house. The subject was taken up in committee of the whole on the 22d and 26th, when the following resolutions were reported by the committee, and agreed to by the house:—

H. Journal,  
p. 530.  
Id. p. 543.

Resolu-  
tion of  
use.

“*Resolved*—That the title ought to be made to the Ohio Company, for so much of the lands on their contracts as they have actually paid for.

Id. p. 549,  
550.

“*Resolved*—That, in addition to the above quantity of land, there be also granted to the said Ohio Company, two hundred and fourteen thousand two hundred and eighty-five acres, being the proportion they were, by a resolve of Congress, authorized to pay in army rights, upon their delivering to the secretary of the treasury, army rights sufficient for the purpose; and that there be also granted to the said company, in addition to the before mentioned tracts, one hundred thousand acres, to make good one thousand lots of one hundred acres each; appropriated by the said company as bounties to such as might become settlers within the said purchase, upon condition, nevertheless, that the said company shall make good such bounties, as well to future settlers, as to those already settled.

“*Resolved*—That a title be made to the said company, for the remainder of the one million five hundred thousand acres, contracted for upon their paying into the treasury of the United States, a sum not exceeding — cents per acre for the same, with interest from the passing an act for that purpose.”

Committee  
prepare

It was then ordered that Messrs. Sedgwick, Findley, Benson, Learned, and Baldwin, prepare and bring in a bill pursuant to these resolutions. On the 29th, Mr. Sedgwick presented a bill

Id. p. 562,  
563.

authorizing a grant and conveyance of certain lands to the Ohio Company of associates, on the terms therein expressed, which was read the first and second time, and committed to a committee of the whole house. On the 4th and 5th of April, the bill was acted on in committee of the whole, and was reported with various amendments, which were agreed to by the house, and the bill was then ordered to be engrossed for the third reading. And on the 6th, the blanks were filled up, and the bill was read the third time and passed. In the Senate, the bill was read the first and second time, on the 6th and 9th, and was referred to

Id. p. 564.

used by  
use.

S. Journal,  
p. 421, 422.

2d Congress.  
1st Session.

Messrs. Rutherford, Gunn, and Sherman. Mr. Rutherford, on the 12th, reported several amendments to the bill, which were discussed on the 14th and 16th, when, on the question to amend the bill as reported, it was decided in the negative.

S. Journal,  
p. 425.

Id. p. 426.

On the question to agree to the third section of the bill, as sent from the house, on the following terms:—

Amended  
in Senate.

“*Sect. 3. And be it further enacted*—That the President be, and he hereby is, further authorized and empowered, by letters patent as aforesaid, to grant and convey to the said Rufus Putnam, Manasseh Cutler, Robert Oliver, and Griffin Greene, and to their heirs and assigns, in fee simple, in trust for the uses above expressed, a further quantity of one hundred thousand acres of land:—*Provided, always, nevertheless*—That the said grant of one hundred thousand acres shall be made on the express condition of becoming void, for such part thereof as the said company shall not have, within five years from the passing of this act, conveyed in fee simple, as a bounty, and free of expense, in tracts of one hundred acres, to each male person, not less than eighteen years of age, being an actual settler at the time of such conveyance:”—

It was determined in the affirmative, by the following vote:— id. p. 427.

*Yeas*—Messrs. Bradley, Cabot, Foster, Izard, Langdon, Lee, Morris, Robinson, Sherman, Stanton, Wingate.—11.

*Nays*—Messrs. Burr, Carroll, Ellsworth, Few, Gunn, Hawkins, Henry, Johnston, Monroe, Read, Rutherford.—11.

The numbers being equal, the Vice-President decided the question by giving the casting vote in favour of the section.

It was then agreed to expunge the fifth section, as follows:—

“*Sect. 5. And be it further enacted*—That the President shall be, and he hereby is, authorized and empowered, to grant and convey, as aforesaid, to the said company of associates, in the proportion of their respective rights and interests, the residue of the said one million five hundred thousand acres of land: *Provided*—The said company, or any of them, or of their agents, shall, within six years from the passing of this act, pay into the treasury of the United States therefor, at the rate of twenty-five cents per acre, with the interest thereof: *Provided, nevertheless*—That bounty warrants for land may be received in payment for the whole or any part of the said tract, which shall remain after deducting the reserved lots.”

The bill was then ordered to the third reading. And on the 17th the bill was again taken up for consideration, when it was id. p. 428.

Congress.  
Session.

moved to amend the second section, so as that the President of the United States shall be authorized to grant and convey to the said Rufus Putnam and others, one other tract of one hundred and twenty-five thousand, in lieu of the two hundred and fourteen thousand, two hundred and eighty-five acres of land. This motion was decided in the negative.

An unsuccessful motion was then made to expunge the third section.

Motions to  
amend.

It was then moved to add the following as an additional section:—

*“ And be it further enacted—That the terms hereinbefore allowed to the Ohio Company of associates, so far as the same are applicable to, and respect the price of the lands to be granted in virtue of the first payment, and the admissibility of army bounty rights in discharge thereof, be, and they are, hereby extended to John Cleves Symmes, and his associates, the purchasers of a tract of land lying upon the Ohio, and between the Miami rivers: Provided, always, and be it further enacted, that, instead of a donation of one hundred thousand acres, as mentioned in the third section, not more than sixty-six thousand acres be granted to the said John Cleves Symmes, and his associates, for the like purposes, and under the like conditions as are therein prescribed and required.”*

And the question being put, this motion was determined in the negative by the following vote:—

*Yeas*—Messrs. Burr, Hawkins, Johnston, Monroe.—4.

*Nays*—Messrs. Bradley, Cabot, Carroll, Dickinson, Ellsworth, Few, Foster, Henry, Langdon, Lee, Morris, Read, Robinson, Sherman, Stanton, Wingate.—16.

Bill passed  
by Senate.

The bill was then passed, as amended; and on the 18th, the House of Representatives concurred in the amendments of the Senate. H. Journal,  
p. 581.

Contract  
with Penn-  
sylvania.

The following message was transmitted by the President of the United States to the two Houses of Congress, on the 20th of December, 1791. 1791-92.  
S. Journal,  
p. 357, 358.

*“ United States, December 20, 1791. H. Journal,  
p. 478.*

*“ Gentlemen of the Senate and of the House of Representatives:—*

President's  
message.

*“ I lay before you the copy of a letter which I have received from the governor of the commonwealth of Pennsylvania, and of sundry documents which accompanied it, relative to a contract for the purchase of a certain tract of land bounding on Lake*

2d Congress.  
1st Session.

Erie; together with a copy of a report of the secretary of state on the same subject.

"G. WASHINGTON."

In the House of Representatives, the message and accompanying papers were referred to Messrs. Madison, Benson, and Sedgwick, with instruction to bring in the necessary bill or bills.

And on the 21st, Mr. Madison presented a bill for carrying into effect a contract between the United States and the state of Pennsylvania, which was then read the first time, and, on the following day, received the second reading, and was committed to a committee of the whole house. On the 23d, the bill was considered in committee, reported without amendment, and ordered to the third reading, and, on the 26th, it was read the third time and passed. On the 26th, 27th, and 28th, this bill went through the various stages in the Senate, and was passed without amendment.

H. Journs  
P. 479.

Id. p. 49  
481.

Bill passed  
by House,

And Senate.

S. Journs  
P. 359, 36

2d Session.

Propositions  
of  
Hebert and  
Co. of Paris.

In November, 1792, a letter was received by Congress from Messrs. Hebert and Company, of the city of Paris, stating certain propositions for the purchase of a quantity of vacant lands, the property of the United States. The letter was received by the Senate, transmitted on the 16th of November to the House of Representatives, and, after being read, was laid on the table.

H. Journs  
P. 621.

Survey of  
Virginia  
cession.

Petition  
from Vin-  
cennes.

On the 27th of November, the speaker laid before the house a letter from the governor of the territory of the United States, north-west of the river Ohio, covering a petition of a number of inhabitants of St. Vincennes, on the Wabash, praying that the resurvey of their lands, directed by a late law, may be made at the public expense. These documents were referred to Messrs. Livermore, Muhlenberg, and Leonard, with an instruction to report their opinion. On the 14th of December, Mr. Livermore made a report from this committee, which was taken up for consideration on the 31st, when the house adopted this resolution:—

Id. p. 628

Id. p. 64  
657.

Resolution  
of  
house.

"Resolved—That the survey, directed by the resolve of the late Congress, of the twenty-ninth of August, one thousand seven hundred and eighty-eight, of the lands ceded by the state of Virginia to the United States in the territory north-west of the river Ohio, and confirmed to the French and Canadian inhabitants, and other settlers of the Kaskaskias, St. Vincennes, and the neighbouring villages, who, in or before the year one thousand seven hundred and eighty-three, had settled there, and had professed themselves citizens of Virginia, be made at the expense of the United States."



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P. III.

National Revenue—Public Lands.

1792.

Congress.  
Session.

Read  
C.

Read by  
C.

Read Se-

Grant to  
bitants  
allipo-

tions.

Resolution  
House.

It was then ordered that Messrs. Livermore, Muhlenberg, and Leonard, prepare and bring in a bill, or bills, in conformity with this resolution. On the 7th of January, 1793, Mr. Livermore, from this committee, presented a bill to repeal part of a resolution of Congress, of the 29th of August, 1788, respecting the inhabitants of Port St. Vincents; which was read the first and second time, and committed to a committee of the whole house. On the 5th of February, this bill was considered in committee, and reported without amendment. Being then amended in the house, it was ordered to be engrossed for the third reading; and, on the 6th, it was read the third time and passed. On the 6th, 7th, and 8th, the bill had the first and second reading in the Senate, and was referred to Messrs. Rutherford, Brown, and Bradley. The bill was reported without amendment on the 12th, and, on the 13th, was read the third time and passed.

On the 9th of February, 1793, a petition was presented to the House of Representatives from the French inhabitants of Gallipolis, praying that the title to certain lands in the territory of the United States, north-west of the river Ohio, which they purchased from the agent of the Sciota Company, in the year 1790, might be confirmed to them. This petition was referred to Messrs. Wadsworth, Sedgwick, Findley, White, and Barnwell, for examination. Also, on the 11th, the petition of Benjamin Arnaud and Francis Salamire, of Gallipolis, was presented, praying that the attention of Congress might be given to the first petition. To this petition the same reference was given. On the 14th, Mr. Wadsworth made a report, which was ordered to lie on the table, and, on the 20th, it was taken up for consideration, when the House agreed to the following resolution:—

*Resolved*—That there be granted to the said petitioners, thirty thousand acres of land, to be divided among them in quantities proportioned to their late purchases of the Sciota Company; and that the further quantity of twenty thousand acres be divided equally among such of the said petitioners as are actual settlers of the said territory.”

It was then ordered that a bill be brought in, pursuant to this resolution, and Messrs. Wadsworth, Sedgwick, Findley, White, and Barnwell, were appointed to prepare and bring in the same; and, on the 22d, Mr. Wadsworth, from this committee, presented a bill to authorize a grant of land to the French inhabitants of Gallipolis, which was read the first and second time, and committed to a committee of the whole house. On the 26th, the

H. Journal,  
p. 663.

Id. p. 690.

S. Journal,  
p. 480—  
482.

Id. p. 484.

H. Journal,  
p. 697.

Id. p. 699.

Id. p. 703.

Id. p. 709.

Id. p. 714.

Id. p. 718.

## CHAP. III.

## National Revenue—Public Lands.

1793.

2d Congress.  
2d Session.

Bill passed  
by House.

Rejected  
by Senate.

2d Congress.  
1st Session.

Petition of  
Wilson on  
account of  
Illinois and  
Oubache  
land com-  
panies.

bill was taken up and considered in committee, and several amendments were reported, which were agreed to by the house, and the bill was then ordered to be engrossed for the third reading; and, on the 27th, the bill was read the third time and passed. In the Senate, this bill was read the first and second time on the same day, and was then committed to Messrs. Ellsworth, Brown, and Burr, to consider and report thereon. On the 2d of March, Mr. Ellsworth made a report from this committee, together with an amendment, which was disagreed to by the Senate. It was then moved to postpone the further consideration of this bill to the next session of Congress; but this motion was determined in the negative. It was then moved that the bill pass to the third reading; but this motion being also decided in the negative, the bill was rejected.

H. Journal  
p. 719.

S. Journal  
p. 496.

Id. p. 504

Various were the petitions and memorials presented during this period, with a view to the obtainment of portions of the public lands, upon which no legislation ensued. There was also a

petition or memorial presented on the 13th of December, 1791, from James Wilson and others, in behalf of the land companies

1791-92

of the Illinois and Oubache, praying to be permitted to exhibit the titles of the companies to certain western lands, heretofore purchased by the said companies, under the sanction of lawful authority, and to make proposals for a reasonable compromise, which was referred to Messrs. Livermore, Fitzsimons, and Clarke. From this committee, Mr. Livermore made a report on the 3d of April, which was ordered to lie on the table, and there was no action on that report during this Congress.

H. Journal  
p. 472.

Id. p. 558

## CHAPTER IV.

Creation of Executive Departments—Treasury—War—Foreign Affairs—Salaries—Western Territory—Territory South of Ohio—Accounts between United States and individual States—Soldiers' Arrearages—Foreign Intercourse—Consuls—Mint—Foreign Coins—Treasury Regulations, &c.—Robert Morris—Alleged Violations of Law by Secretary of Treasury—Complaints of Secretary concerning Printing of Reports—Fees for Transfer of public Securities.

Executive  
Departments.

THE creation of the executive departments was necessarily an object of the early solicitude of Congress. Soon after the organization of the two houses was completed, this subject was deliberated upon in the committee of the whole on the state of the Union, of the House of Representatives; and, on the 20th of May, Mr. Trumbull, the chairman of that committee, reported to the house a resolution, which was, on the following day, amended, and agreed to, in the following form:—

H. Journal,  
p. 38, 39.

“*Resolved*—That it is the opinion of this committee, that there ought to be established the following executive departments; to wit: a department of foreign affairs, at the head of which shall be an officer to be called secretary to the United States for the department of foreign affairs, removable by the President; a treasury department, at the head of which shall be an officer to be called secretary to the United States, for the treasury department, removable by the President; a department of war, at the head of which shall be an officer, to be called secretary to the United States, for the department of war, removable by the President.”

Committee  
to prepare  
bills.

It was then ordered that a committee, to consist of eleven members, be appointed to prepare the necessary bills, and Messrs. Baldwin, Vining, Livermore, Madison, Benson, Burke, Fitzsimons, Boudinot, Wadsworth, Gerry, and Cadwalader, were appointed of this committee.

War, and  
foreign af-  
fairs.

On the 2d of June, Mr. Baldwin, from this committee, presented a bill to establish an executive department, to be denominated the department of war; and also a bill to establish an executive department, to be denominated the department of foreign affairs; both of which bills were then read the first

Id. p. 44.

## CHAP. IV.

## Executive Departments—Officers, &amp;c.

1789.

1st Congress.  
1st Session.

time. On the following day, they received their second reading, and were committed to a committee of the whole house for the next Tuesday. On the 4th, Mr. Baldwin presented a bill to establish an executive department, to be denominated

H. Journal,  
p. 45, 46.

Treasury.

the Treasury Department, which was read the first time, and received the second reading on the 5th, and was committed for

Id. p. 47.

the following Tuesday. This order was, on the 10th, postponed until the next Tuesday, and on that day, the 16th, the

Id. p. 49.

house resolved itself into a committee of the whole, on the bill establishing an executive department, to be denominated the department of foreign affairs. The committee were engaged on this bill during the 17th, 18th, and 19th, when several amendments were reported, which, on the 22d, were taken up for consideration by the house, and agreed to.

Id. p. 50,  
51.Motions in  
committee.

A motion was then made further to amend the bill, by striking out the words "in case of vacancy in the said office of secretary to the United States, for the department of foreign affairs," in the second enacting clause; and inserting, in lieu thereof, the words "whenever the said principal officer shall be removed from office by the President of the United States, or in any other case of vacancy."

Amend-  
ments in  
the House.

[There had been a considerable discussion in committees of the whole, on the words, in the first clause of the bill, "to be removable from office by the President of the United States," which Mr. White moved to strike from the bill. The motion was opposed by Mr. Madison, Mr. Vining, Mr. Boudinot, Mr. Ames, Mr. Hartley, Mr. Lawrance, Mr. Clymer, Mr. Lee, Mr. Silvester, Mr. Scott, Mr. Goodhue, Mr. Baldwin; and was defended by Mr. Smith, of South Carolina, Mr. Huntington, Mr. Sedgwick, Mr. White, Mr. Gerry, Mr. Livermore, Mr. Jackson, Mr. Page, Mr. Sherman, Mr. Stone, Mr. Benson. On the motion to strike out the words, it was decided in the negative; ayes 20, noes 34. A motion was then made by Mr. Carroll to limit the operation of the act, but he withdrew his motion to enable Mr. White to move to strike out the clause respecting the salary, and this motion was agreed to.]

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Con. Reg.,  
vol. i. p.  
450—600.

The question being taken on the motion before the house, it was decided in the affirmative, by the following vote:—

H. Journal,  
p. 50, 51.

*Ayes*—Messrs. Ames, Baldwin, Benson, Brown, Burke, Carroll, Clymer, Contee, Fitzsimons, Gilman, Goodhue, Griffin, Hartley, Heister, Lawrance, Lee, Leonard, Madison, jr., Moore, Muhlenberg, Scott, Sedgwick, Seney, Sinnickson, Smith, of Maryland, Silvester, Thatcher, Trumbull, Vining, Wadsworth.—30.

41st Congress.  
1st Session.

Amend-  
ments in  
the House.

*Noes*—Messrs. Cadwalader, Coles, Gerry, Grout, Hathorn, Huntington, Livermore, Mathews, Page, Parker, Partridge, Van Rensselaer, Sherman, Smith, of South Carolina, Sturges, Sumpter, Tucker, White.—18.

It was then moved further to amend the bill, by striking out the words “to be removable from office by the President of the United States,” in the first enacting clause. This was the motion which caused the debate in committee, to which reference has been made, and the decision of the committee was now reversed, the question being determined in the affirmative, as follows:—

H. Journal,  
p. 51, 52.

*Ayes*—Messrs. Ames, Baldwin, Benson, Brown, Burke, Clymer, Coles, Gerry, Goodhue, Griffin, Grout, Hathorn, Huntington, Leonard, Livermore, Madison, jr., Mathews, Moore, Muhlenberg, Page, Parker, Partridge, Van Rensselaer, Scott, Sherman, Sinickson, Smith, of South Carolina, Sturges, Sumpter, Vining, White.—31.

*Noes*—Messrs. Boudinot, Cadwalader, Carroll, Contee, Fitzsimons, Gilman, Hartley, Heister, Lawrance, Lee, Schureman, Sedgwick, Seney, Smith, of Maryland, Silvester, Thatcher, Trumbull, Tucker, Wadsworth.—19.

Read the  
third time,  
and passed.

The bill was then ordered to be engrossed and read a third time. Id. p. 52.

On the 24th it received the third reading, and the question being then put, on its passage, was determined in the affirmative, as follows:— Id. p. 52, 53.

*Ayes*—Messrs. Ames, Benson, Boudinot, Brown, Burke, Cadwalader, Carroll, Clymer, Contee, Fitzsimons, Gilman, Goodhue, Griffin, Hartley, Heister, Huger, Lawrance, Lee, Madison, jr., Moore, Muhlenberg, Schureman, Scott, Sedgwick, Seney, Sinickson, Silvester, Trumbull, Vining.—29.

*Noes*—Messrs. Coles, Gerry, Grout, Hathorn, Huntington, Jackson, Leonard, Livermore, Mathews, Page, Parker, Partridge, Van Rensselaer, Sherman, Smith, of Maryland, Smith, of South Carolina, Stone, Sturges, Sumpter, Thatcher, Tucker, White.—22.

Acted on  
and amend-  
ed in Se-  
ate.

The bill was then sent to the Senate, where it received the first reading on the 25th, but was not taken up for the second reading until the 14th of July, when it produced a debate, which continued during the 15th, 16th, and 17th. On the last named day, it was agreed to expunge, in the first line, the words “Congress of the United States,” and to insert “Senate and House of Representatives of the United States of America, in Congress assembled,” and the bill was then ordered to the third reading. On the 18th the bill was again considered. Previously to any question

S. Journal,  
p. 37, 41,  
42.

1st Congress.  
1st Session.

being put, the Senate adopted an order that, in taking the yeas and nays, where the Vice-President is called upon to vote, the secretary propose to him the question. It was then moved to strike out of the bill these words, page 3d, *line* 15th, "by the President of the United States," and the yeas and nays being required thereupon by one fifth of the Senators present, it was determined as follows:—

*Yeas*—Messrs. Few, Grayson, Gunn, Johnson, Izard, Langdon, Lee, Maclay, Wingate.—9.

*Nays*—Messrs. Bassett, Carroll, Dalton, Elmer, Henry, Morris, Paterson, Read, Strong.—9.

The numbers being equal, the Vice-President decided the question, by recording his vote in the negative. It was therefore determined that the clause should be retained.

A motion was then made to strike out the following words:—

"*Line 4th.* 'Such duties as shall, from time to time, be enjoined on, or intrusted to him by the President of the United States, agreeably to the Constitution, relative to correspondences, commissions, or instructions, to or with public ministers or consuls from the United States, or to negotiations with public ministers from foreign states or princes, or to memorials or other applications from foreign public ministers, or other foreigners, or to such other matters, respecting foreign affairs, as the President of the United States shall assign to the said department. And, furthermore, that the said principal officers shall conduct the business of said department, in such manner as the President of the United States shall, from time to time, order or instruct.'"

S. Journal,  
p. 42, 43.

"And in lieu thereof, to insert as follows: 'the duties of his office with integrity, ability, and diligence.' This question, also, was decided in the negative.

A motion to strike out of line 13th, these words, "To be appointed by the said principal officer," was likewise determined in the negative.

It was then agreed to expunge the *proviso* in lines 17th, 18th, and 19th, as follows:—"Provided, nevertheless—That an appointment of such chief clerk shall be valid, until the same shall have been approved by the President of the United States."

Bill passed  
by Senate.

The question was then put on concurring in the bill, as now amended, and was decided in the affirmative, by the following vote:—

*Yeas*—Messrs. Bassett, Carroll, Dalton, Ellsworth, Elmer, Henry, Morris, Paterson, Read, Strong.—10.

## CHAP. IV.

## Executive Departments—Foreign Affairs—War.

1789.

1st Congress.  
1st Session.

*Nays*—Messrs. Few, Grayson, Gunn, Johnson, Izard, Langdon, Lee, Maclay, Wingate.—9.

House con-  
cur.

The House of Representatives, on the 20th, considered and agreed to the amendments.

H. Journal,  
p. 63.Motion for  
supple-  
mentary  
bill.

On the 23d of July, it was moved, in the House of Representatives, "That a committee be appointed to bring in a bill supplementary to the act for establishing the department of foreign affairs, declaring that department to be hereafter denominated ———; and that the principal officer in that department shall have the custody of the records and seal of the United States; and that such bill do contain provision for the fees of office, to be taken for copies of records; and further provision for the due publication of the acts of Congress, and other matters relating to the premises, as the committee shall deem necessary

H. Journal,  
p. 65.

Rejected.

to be reported to this house." This motion was rejected.

WAR DE-  
PARTMENT.

On the 24th, the House of Representatives, in committee of the whole, considered the bill for establishing an executive department, to be denominated the Department of War, and having gone through the same, reported several amendments, which were agreed to on the following day, and the bill was ordered to be engrossed for the third reading. The bill was read the third time on the 27th, and was passed, and sent to the Senate, where it was read the first time on the 6th of July, received the second reading on the 21st, and, on the 4th of August, was taken up on the question of its third reading. It was then moved to strike out these words, in lines 6th, and 7th, "and naval," "ships," or "naval affairs;" but this motion was not agreed to. A motion was then made to strike out the words, line 14th, "and, who, whenever the said principal officer shall be removed from office by the President of the United States." The question, on this motion, was decided in the negative, as follows:—

H. Journal,  
p. 53, 54.Bill passed  
by House.

*Yeas*—Messrs. Butler, Few, Gunn, Grayson, Johnson, Izard, Langdon, Lee, Wingate.—9.

S. Journal,  
p. 39, 44,  
51.

*Nays*—Messrs. Carroll, Dalton, Ellsworth, Elmer, Henry, King, Morris, Read, Schuyler, Strong.—10.

Amended  
by Senate.

The Senate then concurred in the bill, with the following amendments:—

Id. p. 52.

"Line 1. After '*Be it enacted by the,*' strike out '*Congress of the United States,*' and insert '*Senate and House of Representatives of the United States of America, in Congress assembled.*'

"Line 3. After '*war,*' strike out '*and.*' Strike out '*by reason of,*' and insert, '*for.*'

## CHAP. IV.

## Executive Departments—Treasury.

1789.

1st Congress.  
1st Session.

"Line 16. Strike out, '*Provided, nevertheless*—That no appointment of such chief clerk shall be valid, until the same shall have been approved by the President of the United States.'

House con-  
cur.

These amendments being communicated to the House of Representatives on the 5th of August, were there considered and agreed to.

H. Journal,  
p. 72.TREASURY  
DEPART-  
MENT.

The House of Representatives, on the 25th of June, deliberated, in committee of the whole, on the bill establishing an executive department, to be denominated "the Treasury Department;" and resumed the subject on the 29th and 30th, when

Id. p. 54.

several amendments were reported to the house, which were further amended on the 1st of July, and the bill was then ordered to

Id. p. 55,  
56.Bill passed  
by House.

be engrossed for the third reading. And, on the 2d, the blanks having been filled up, the bill was read the third time and passed,

Id. p. 57.

and was sent to the Senate, where it received the first reading on the 6th, and was read the second time on the 21st; the sub-

S. Journal,  
p. 39. 44.  
49, 50.

Acted on.

ject of the second reading was resumed on the 29th, and 30th; and, on the 31st, the bill was further considered and discussed,

on the question of the third reading. A motion to strike out, at the end of the first paragraph, the words "and an assistant to

the secretary of the treasury," was rejected; as, also, was a motion to strike out the words "secretary of the treasury," and to

insert "three superintendents of the treasury." The bill was then concurred in by the Senate, with the following amend-

ments:—

Amend-  
ments of  
the Senate.

"Page 1, line 5. After 'treasury,' insert 'which assistant shall be appointed by the said secretary.'

"Line 20. Strike out 'of.' Between the words 'debts' and 'due,' insert 'that are or shall be.'

"Page 2, line 3. Between the words 'the' and 'house,' insert 'Senate, and.'

"Line 15. Strike out 'three,' and insert 'six.'

"Line 20. Strike out 'certify upon,' and insert 'record.'

"Line 21. After 'treasury,' insert 'certify the same thereon.'

"Line 23. Strike out these words:—'*And be it further enacted*—

That the assistant to the secretary of the treasury shall be appointed by the President; and whenever the secretary shall be removed from office by the President of the United States, or in any other case of vacancy in the office of secretary, the assistant shall, during the vacancy, have the charge and custody of the records, books, and papers, appertaining to the said office.'

"Line 28. Strike out, 'that shall be.'



1st Congress.  
1st Session.

Amend-  
ments of  
Senate.

"Page 3, line 5. Strike out these words, 'on conviction, be deemed guilty of a high misdemeanor, shall forfeit the penalty of five thousand dollars, and be for ever incapable of holding any office under the United States; and any other officer, herein mentioned, so offending, shall be removed from office, and pay a fine of two thousand dollars: the forfeitures under this act to go, one-half to the United States, the other half to him who will sue for it,' and insert these words, 'be deemed guilty of a high misdemeanor, and forfeit to the United States the penalty of three thousand dollars; and shall, upon conviction, be removed from office, and for ever thereafter incapable of holding any office under the United States: *Provided*—That if any other person than a public prosecutor shall give information of any such offence, upon which a prosecution and conviction shall be had, one-half of the aforesaid penalty of three thousand dollars, when recovered, shall be for the use of the person giving such information.'"

The House proceeded to consider these amendments of the Senate, on the 3d and 4th of August. On the last named day, the following resolution was adopted:—

Resolution  
of House,  
partially  
disagree-  
ing.

"*Resolved*—That this house doth agree to so much of the eighth amendment as proposes to strike out the following words, in the seventh clause of the bill; namely:—'The assistant to the secretary of the treasury shall be appointed by the President, and,' and doth disagree to such other part of the said amendment, as proposes to strike out the residue of the clause." On the 5th, Id. p. 72.

Senate in-  
sist.

House. The Senate, on the same day, adopted a resolution to insist on their eighth amendment, as it was originally passed. On

Confer-  
ence.

the 10th, the House of Representatives resolved to desire a conference with the Senate, on the subject matter of the said eighth amendment; and Messrs. Madison, Fitzsimons, and Boudinot, were appointed managers on the part of the house. The Senate, assenting to the conference, appointed Messrs. Johnson, Lee, and Strong, to be their managers. On the 14th, Mr. Johnson reported to the Senate that the managers on their part had conferred with the committee of the House of Representatives, on the disagreement of the two houses, but could not agree upon a report. The report of the managers on the part of the House was made by Mr. Madison on the 24th, when the House adopted a resolution to adhere to their disagreement to so much of the eighth amendment of the Senate, as had been disagreed to by the House, and insisted on by the Senate. The Senate resumed

H. Journal,  
p. 70, 71.

S. Journal,  
p. 58.

H. Journal,  
p. 76.

S. Journal,  
p. 58.

Id. p. 59.

H. Journal,  
p. 89.

## CHAP. IV.

## Executive Departments—Salaries.

1789.

1st Congress.  
1st Session.

the consideration of the subject on the 25th, when, on a motion to recede from their resolution to insist on their amendment, the question was determined as follows:—

*Yeas*—Messrs. Bassett, Carroll, Ellsworth, Elmer, Henry, King, Morris, Paterson, Read, Schuyler.—10.

*Nays*—Messrs. Butler, Dalton, Few, Gunn, Johnson, Izard, Langdon, Lee, Maclay, Wingate.—10.

Senate re-  
cede.

The numbers being equal, the question was decided by the Vice-President, who gave his vote in the affirmative; so that the Senate determined to *recede* from their disagreement. S. Journal, p. 63.

## SALARIES.

Bill to es-  
tablish sa-  
laries of ex-  
ecutive of-  
ficers.

On the 5th of August, it was resolved by the House of Representatives, that a committee be appointed to bring in a bill to establish the salaries of the executive officers of government, with their assistants and clerks; and Messrs. Fitzsimons, Lawrance, and Griffin, were appointed of such committee. And, on the 24th, Mr. Fitzsimons, from this committee, presented a bill in conformity to this resolution, which was then read the first time, and received the second reading on the next day, when it was committed to a committee of the whole house. This bill was considered in committee of the whole on the 28th, and several amendments were reported, which, after being amended, were agreed to, and the bill was ordered to be engrossed for the third reading. On the 29th, the bill was read the third time, and the question, on its passage, was decided in the affirmative by the following vote:— H. Journal, p. 72. 89.

Passed by  
House.

*Ayes*—Messrs. Ames, Baldwin, Benson, Boudinot, Brown, Cadwalader, Gale, Goodhue, Griffin, Hartley, Heister, Jackson, Lawrance, Lee, Mathews, Moore, Scott, Sedgwick, Sherman, Silvester, Smith, of Maryland, Smith, of South Carolina, Sturges, Trumbull, Tucker, Wadsworth, Wynkoop.—27.

*Noes*—Messrs. Coles, Floyd, Foster, Gerry, Grout, Hathorn, Livermore, Parker, Partridge, Van Rensselaer, Schureman, Seney, Sinnickson, Stone, Sumpter, Thatcher.—16.

Amended  
by Senate.

The bill having been sent to the Senate, was there read the first and second time, on the 31st of August, and 1st of September, and on the 7th it was read the third time and passed, with nine amendments. On the 8th, the House considered and disposed of these amendments, some of which were disagreed to, and others adopted. The amendments agreed to, were the first, fourth, seventh, eighth, and ninth. It was then resolved by the Senate to *recede* from the second and sixth, and to *insist* on the third and fifth amendments; and on the 9th the House of Representatives receded from their disagreement to the third and fifth amendments of the Senate. S. Journal, p. 68. 72.  
H. Journal, p. 104.  
S. Journal, p. 76.  
H. Journal, p. 106.

Congress.  
Session.

Amend-  
ments of  
Senate.

"Page 3, line 5. S."

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not a motion was submitted to the House  
the secretary of state be authorized to  
with a salary of eight hundred dol-  
was referred to Messrs. Vining,  
Id. p. 188.  
and, on the 19th, Mr. Vining, Id. p. 193.  
supplemental to the act for  
of the executive officers of government,  
which then received the first  
Id. p. 194.  
the next day, read the second time, and  
the committee of the whole house. The bill was  
committed to a committee of the whole on the 29th, when several  
amendments were reported, and the bill was then ordered to be  
Id. p. 205.  
engrossed for a third reading; and on the 30th the bill was read  
Id. p. 205.

Passed by the third time and passed.  
In the Senate this bill was read the first time on the same day, S. Journal,  
p. 135, 136.  
and on the 3d of May, received its second reading, and was re-  
Id. p. 147.  
ferred to Messrs. Few, Izard, and Ellsworth. Mr. Few reported  
the bill on the 28th of May, when it was read the third time and  
passed.

3d Session.  
Act in ad-  
dition to au-  
ditory act.  
Passed by  
House.

Amended  
by Senate.

An act, in addition to an act for establishing the salaries of the 1791.  
executive officers of government, with their assistants and clerks, H. Journal,  
p. 399, 400.  
was introduced into the House of Representatives in this third session, and was passed without obstruction. The object of this S. Journal,  
p. 299.  
bill was to add two hundred dollars to the annual salary of the chief Id. p. 307.  
clerk of the auditor. The bill was read in the Senate a first and  
second time on the 2d of March, and was ordered to a third read-  
ing. On the 3d, the question on the third reading being before  
the Senate, and the bill having been amended, it was determined  
that the bill should pass, as amended, by the following vote:—

*Yeas*—Messrs. Butler, Carroll, Dickinson, Hawkins, Henry,  
Johnston, Izard, King, Langdon, Lee, Monroe, Morris, Read,  
Schuyler.—14.

*Nays*—Messrs. Bassett, Dalton, Ellsworth, Elmer, Foster,  
Johnson, Stanton, Strong, Wingate.—9.

The amendments of the Senate were as follows:—To the end  
of the bill, add, "*And be it further enacted*—That there be al-  
lowed to the clerks employed in the several offices attached to  
the seat of government, in addition to their respective salaries,  
their reasonable and necessary expenses incurred by the remo-  
val of Congress from the city of New York to the city of Phi-  
ladelphia."

## CHAP. IV.

## Executive Departments—Salaries—Treasury.

1791.

1st Congress.  
3d Session.

*"And be it further enacted—*That there be allowed to the assistant secretary of the treasury, in addition to his salary, for one year, commencing with the passing of this act, four hundred dollars, to be paid in the same manner as his salary."

Amend-  
ments a-  
greed to.

These amendments being sent to the House of Representatives for concurrence, were there agreed to on the same day. H. Journal, p. 404.

2d Congress.  
2d Session.

Bill to raise  
salaries of  
commis-  
sioner and  
auditor.

On the 28th of February, 1793, at the second session of the second Congress, it was ordered by the House of Representatives that Messrs. Fitzsimons, B. Bourne, and Murray, be a committee to prepare and bring in a bill to increase the salaries of the commissioner of the revenue, and the auditor of accounts; and, on the 1st of March, Mr. Fitzsimons, from this committee, presented a bill making addition to the compensation of the auditor of the treasury, and the commissioner of the revenue, which was then read the first time, and afterwards received the second reading, and was committed to a committee of the whole house. The bill was considered, on the 2d, in committee of the whole, and several amendments were reported, which were agreed to by the house. The question was then taken on the engrossment of the bill as amended, and was decided as follows:—

*Ayes*—Messrs. Ames, Baldwin, Barnwell, Benson, S. Bourne, B. Bourne, Dayton, Findley, Fitzsimons, Gilman, Goodhue, Hartley, Key, Lawrance, Lee, Muhlenberg, Murray, Parker, Sedgwick, W. Smith, Steele, Thatcher, Tucker, Willis.—24.

*Noes*—Messrs. Clarke, Giles, Gordon, Greenup, Grove, Hillhouse, Kitchell, Livermore, Macon, Niles, Orr, Silvester, Jere. Smith, Sturges, Sumpter, Tredwell, Ward.—17.

Passed by  
House,

The bill was then read the third time and passed, and was sent to the Senate for their concurrence; where, on the same day, it received its three several readings, after an unsuccessful mo-

And by Se-  
nate.

tion to postpone its consideration to the next session of Congress, and was passed.

1st Congress.  
3d Session.

Billsupple-  
mentary to  
the trea-  
sury act.

At the third session of the first Congress, on the 10th of February, 1791, it was ordered by the House of Representatives that Messrs. Boudinot, Fitzsimons, and Ames, be a committee to prepare and bring in a bill supplementary to the act, entitled "An act to establish the treasury department;" and, on the 22d, Mr. Boudinot presented a bill bearing this title, which was read the

at Congress.  
at Session.

Amend-  
ments of  
Senate.

"Page 3, line 5. Strike out these words, 'on conviction, be deemed guilty of a high misdemeanor, shall forfeit the penalty of five thousand dollars, and be for ever incapable of holding any office under the United States; and any other officer, herein mentioned, so offending, shall be removed from office, and pay a fine of two thousand dollars: the forfeitures under this act to go, one-half to the United States, the other half to him who will sue for it,' and insert these words, 'be deemed guilty of a high misdemeanor, and forfeit to the United States the penalty of three thousand dollars; and shall, upon conviction, be removed from office, and for ever thereafter incapable of holding any office under the United States: *Provided*—That if any other person than a public prosecutor shall give information of any such offence, upon which a prosecution and conviction shall be had, one-half of the aforesaid penalty of three thousand dollars, when recovered, shall be for the use of the person giving such information.'"

The House proceeded to consider these amendments of the Senate, on the 3d and 4th of August. On the last named day, the following resolution was adopted:—

H. Journal,  
p. 70, 71.

Resolution  
of House,  
partially  
disagree-  
ing.

Senate in-  
sist.

Confer-  
ence.

"*Resolved*—That this house doth agree to so much of the eighth amendment as proposes to strike out the following words, in the seventh clause of the bill; namely:—'The assistant to the secretary of the treasury shall be appointed by the President, and,' and doth disagree to such other part of the said amendment, as proposes to strike out the residue of the clause." On the 5th, the other amendments of the Senate were agreed to by the House. The Senate, on the same day, adopted a resolution to insist on their eighth amendment, as it was originally passed. On the 10th, the House of Representatives resolved to desire a conference with the Senate, on the subject matter of the said eighth amendment; and Messrs. Madison, Fitzsimons, and Boudinot, were appointed managers on the part of the house. The Senate, assenting to the conference, appointed Messrs. Johnson, Lee, and Strong, to be their managers. On the 14th, Mr. Johnson reported to the Senate that the managers on their part had conferred with the committee of the House of Representatives, on the disagreement of the two houses, but could not agree upon a report. The report of the managers on the part of the House was made by Mr. Madison on the 24th, when the House adopted a resolution to adhere to their disagreement to so much of the eighth amendment of the Senate, as had been disagreed to by the House, and insisted on by the Senate. The Senate resumed

Id. p. 72.

S. Journal,  
p. 58.

H. Journal,  
p. 76.

S. Journal,  
p. 58.

Id. p. 59.

H. Journal,  
p. 89.

## CHAP. IV.

## Executive Departments—Salaries.

1789.

1st Congress.  
1st Session.

the consideration of the subject on the 25th, when, on a motion to recede from their resolution to insist on their amendment, the question was determined as follows:—

*Yeas*—Messrs. Bassett, Carroll, Ellsworth, Elmer, Henry, King, Morris, Paterson, Read, Schuyler.—10.

*Nays*—Messrs. Butler, Dalton, Few, Gunn, Johnson, Izard, Langdon, Lee, Maclay, Wingate.—10.

Senate re-  
cede.

The numbers being equal, the question was decided by the Vice-President, who gave his vote in the affirmative; so that the Senate determined to *recede* from their disagreement. S. Journal, P. 63.

## SALARIES.

Bill to es-  
tablish sa-  
laries of ex-  
ecutive of-  
ficers.

On the 5th of August, it was resolved by the House of Representatives, that a committee be appointed to bring in a bill to establish the salaries of the executive officers of government, with their assistants and clerks;” and Messrs. Fitzsimons, Lawrance, and Griffin, were appointed of such committee. And, on the 24th, Mr. Fitzsimons, from this committee, presented a bill in conformity to this resolution, which was then read the first time, and received the second reading on the next day, when it was committed to a committee of the whole house. This bill was considered in committee of the whole on the 28th, and several amendments were reported, which, after being amended, were agreed to, and the bill was ordered to be engrossed for the third reading. On the 29th, the bill was read the third time, and the question, on its passage, was decided in the affirmative by the following vote:— H. Journal, P. 72, 89.

Passed by  
House.

*Ayes*—Messrs. Ames, Baldwin, Benson, Boudinot, Brown, Cadwalader, Gale, Goodhue, Griffin, Hartley, Heister, Jackson, Lawrance, Lee, Mathews, Moore, Scott, Sedgwick, Sherman, Silvester, Smith, of Maryland, Smith, of South Carolina, Sturges, Trumbull, Tucker, Wadsworth, Wynkoop.—27.

*Noes*—Messrs. Coles, Floyd, Foster, Gerry, Grout, Hathorn, Livermore, Parker, Partridge, Van Rensselaer, Schureman, Seney, Sinnickson, Stone, Sumpter, Thatcher.—16.

Amended  
by Senate.

The bill having been sent to the Senate, was there read the first and second time, on the 31st of August, and 1st of September, and on the 7th it was read the third time and passed, with nine amendments. On the 8th, the House considered and disposed of these amendments, some of which were disagreed to, and others adopted. The amendments agreed to, were the first, fourth, seventh, eighth, and ninth. It was then resolved by the Senate to *recede* from the second and sixth, and to *insist* on the third and fifth amendments; and on the 9th the House of Representatives *receded* from their disagreement to the third and fifth amendments of the Senate. S. Journal, P. 68, 72.  
H. Journal, P. 104.  
S. Journal, P. 76.  
H. Journal, P. 106.

MAP. IV.

Executive Departments—Salaries.

1790.

Congress.  
Session.

Supple-  
mental sa-  
lary bill.

passed by  
House,

And Se-  
nate.

Session.

act in ad-  
dition to sa-  
lary act.

passed by  
House.

amended  
Senate.

- On the 3d of April, 1790, a motion was submitted to the House of Representatives, that the secretary of state be authorized to employ one additional clerk, with a salary of eight hundred dol-  
lars *per annum*; and this motion was referred to Messrs. Vining, Sherman, and Lee, with instructions to prepare and bring in a bill in conformity to this motion; and, on the 13th, Mr. Vining, from this committee, presented a bill supplemental to the act for establishing the salaries of the executive officers of government, with their assistants and clerks, which then received the first reading, and was, on the next day, read the second time, and committed to a committee of the whole house. The bill was considered in committee of the whole on the 29th, when several amendments were reported, and the bill was then ordered to be engrossed for a third reading; and on the 30th the bill was read the third time and passed.

In the Senate this bill was read the first time on the same day, and on the 3d of May, received its second reading, and was referred to Messrs. Few, Izard, and Ellsworth. Mr. Few reported the bill on the 28th of May, when it was read the third time and passed.

H. Journal,  
p. 188.

Id. p. 193.

Id. p. 194.

Id. p. 205.

S. Journal,  
p. 135, 136,  
147.

1791.

H. Journal,  
p. 399, 400.

S. Journal,  
p. 299.

Id. p. 307.

An act, in addition to an act for establishing the salaries of the executive officers of government, with their assistants and clerks, was introduced into the House of Representatives in this third session, and was passed without obstruction. The object of this bill was to add two hundred dollars to the annual salary of the chief clerk of the auditor. The bill was read in the Senate a first and second time on the 2d of March, and was ordered to a third reading. On the 3d, the question on the third reading being before the Senate, and the bill having been amended, it was determined that the bill should pass, as amended, by the following vote:—

*Yeas*—Messrs. Butler, Carroll, Dickinson, Hawkins, Henry, Johnston, Izard, King, Langdon, Lee, Monroe, Morris, Read, Schuyler.—14.

*Nays*—Messrs. Bassett, Dalton, Ellsworth, Elmer, Foster, Johnson, Stanton, Strong, Wingate.—9.

The amendments of the Senate were as follows:—To the end of the bill, add, “*And be it further enacted*—That there be allowed to the clerks employed in the several offices attached to the seat of government, in addition to their respective salaries, their reasonable and necessary expenses incurred by the removal of Congress from the city of New York to the city of Philadelphia.”

## CHAP. IV.

## Executive Departments—Salaries—Treasury.

1791.

1st Congress.  
3d Session.

*"And be it further enacted—*That there be allowed to the assistant secretary of the treasury, in addition to his salary, for one year, commencing with the passing of this act, four hundred dollars, to be paid in the same manner as his salary."

Amend-  
ments  
agreed to.

These amendments being sent to the House of Representatives for concurrence, were there agreed to on the same day.

H. Journal,  
p. 404.

2d Congress.  
3d Session.

Bill to raise  
salaries of  
commis-  
sioner and  
auditor.

On the 28th of February, 1793, at the second session of the second Congress, it was ordered by the House of Representatives that Messrs. Fitzsimons, B. Bourne, and Murray, be a committee to prepare and bring in a bill to increase the salaries of the commissioner of the revenue, and the auditor of accounts; and, on the 1st of March, Mr. Fitzsimons, from this committee, presented a bill making addition to the compensation of the auditor of the treasury, and the commissioner of the revenue, which was then read the first time, and afterwards received the second reading, and was committed to a committee of the whole house. The bill was considered, on the 2d, in committee of the whole, and several amendments were reported, which were agreed to by the house. The question was then taken on the engrossment of the bill as amended, and was decided as follows:—

1793.

H. Journal,  
p. 722, 725.

Id. p. 731,  
732.

*Ayes*—Messrs. Ames, Baldwin, Barnwell, Benson, St. Bourne, B. Bourne, Dayton, Findley, Fitzsimons, Gilman, Goodhue, Hartley, Key, Lawrance, Lee, Muhlenberg, Murray, Parker, Sedgwick, W. Smith, Steele, Thatcher, Tucker, Willis.—24.

*Noes*—Messrs. Clarke, Giles, Gordon, Greenup, Grove, Hillhouse, Kitchell, Livermore, Macon, Niles, Orr, Silvester, Jere. Smith, Sturges, Sumpter, Tredwell, Ward.—17.

Passed by  
House,

The bill was then read the third time and passed, and was sent to the Senate for their concurrence; where, on the same day, it received its three several readings, after an unsuccessful motion to postpone its consideration to the next session of Congress, and was passed.

Id. p. 733.  
S. Journal,  
p. 503, 504.

And by Se-  
nate.

1st Congress.  
3d Session.

Billsupple-  
mentary to  
the trea-  
sury act.

At the third session of the first Congress, on the 10th of February, 1791, it was ordered by the House of Representatives that Messrs. Boudinot, Fitzsimons, and Ames, be a committee to prepare and bring in a bill supplementary to the act, entitled "An act to establish the treasury department;" and, on the 22d, Mr. Boudinot presented a bill bearing this title, which was read the

1791.

H. Journal,  
p. 374.

Id. p. 386.



MAP. IV.

Executive Departments—Salaries—Treasury.

1791.

Congress.  
Session.It passed  
House.amended  
and passed  
Senate.House con-  
f.

first and second time, and committed to a committee of the whole house. The bill was considered in committee on the 24th, and several amendments were reported, which were agreed to by the house; and the bill was then ordered to be engrossed for the third reading. On the following day, the blanks having been filled up, the bill was read the third time, and passed. In the Senate, the bill was read the first and second time on the 25th and 26th, and was committed to Messrs. Ellsworth, Butler, Read, Strong, and King. A motion had been made in the Senate, on the 24th, to agree to the following resolution:—

“Whereas, the duties of the treasury department are greatly increased by different acts passed since the establishment of the office, insomuch as to make the salaries of the officers inadequate to the fatigue and attention requisite; and whereas, the time of the present session will not admit of regulating the salaries by bill:—

“*Resolved*—That, for the space of one year, the salaries of the different officers shall be advanced in the proportion of 25 per cent. on their present allowance.”

It was then ordered that this motion be referred to Messrs. Ellsworth, Butler, Read, Strong, and King, together with a similar motion respecting an additional allowance to the attorney general, which had been made on the preceding day—so that this committee had now the bill and the two motions before them. On the 26th, Mr. Ellsworth, from this committee, reported various amendments, which were adopted, and the bill was then ordered to the third reading. On the 28th, the bill was read the third time and passed, with the following amendments:—

“Sect. 3, line 6. After ‘dollars,’ insert ‘*per annum*.’”

“At the end of the bill add—‘Sect. 4. *And be it further enacted, by the authority aforesaid*—That there shall be allowed, for one year, commencing with the passing of this act, to the register, two hundred and fifty dollars; and to the auditor, the comptroller of the treasury, and the attorney general, four hundred dollars each, in addition to their respective salaries, and to be paid in the same manner.’”

The title was also amended, by adding to it the following words: “And for a further compensation to certain officers.”

The House of Representatives, on the 1st of March, agreed to the amendments of the Senate.

H. Journal,  
p. 389.Id. p. 390.  
S. Journal,  
p. 288, 289.

Id. p. 281.

Id. p. 290.

H. Journal,  
p. 398.

## CHAP. IV.

## Executive Departments—Treasury and War.

1792.

2d Congress.  
1st Session.

On the 3d of April, 1792, being the first session of the second Congress, the Senate adopted an order, by which Messrs. King, Strong, and Ellsworth, were appointed a committee to consider and report whether any, and what, alterations are necessary to be made in the acts establishing the treasury and war departments. Mr. King, on the 10th, reported a bill on the subject, which was then read the first time, and received the second reading on the following day. On the 12th and 13th, the bill was further considered and discussed, as also on the 14th and 17th. The 12th section having been so amended as to read as follows:—

S. Journal,  
P. 419.

Bill concerning alterations in treasury and war departments.

Id. p. 422—  
425.

*"Sect. 12. And be it further enacted—That, in addition to the compensations allowed to the comptroller, auditor, treasurer, and register of the treasury, by the 'Act for establishing the salaries of the executive officers of government, their assistants, and clerks,' and to the attorney general, by the 'Act for allowing certain compensations to the judges of the Supreme and other courts, and to the attorney general of the United States,' the said officers, respectively, shall be allowed the following yearly sums; namely:—The comptroller, four hundred dollars; the auditor, four hundred dollars; the treasurer, four hundred dollars; the register, five hundred dollars; and the attorney general, four hundred dollars."*

Passed by Senate.

And the question being taken, on agreeing to the section as thus amended, it was decided in the affirmative, by the following vote:—

*Yeas*—Messrs. Burr, Cabot, Carroll, Dickinson, Ellsworth, Few, Foster, Gunn, Hawkins, Henry, Izard, Johnston, Langdon, Lee, Monroe, Morris, Read, Sherman, Stanton, Strong.—20.

*Nays*—Messrs. Bradley, Robinson, Wingate.—3.

It was further agreed to amend the bill, by increasing the salary of the accountant of the department of war, from one thousand to one thousand two hundred dollars. Id. p. 427.

The bill was then, by unanimous consent, read the third time and passed. Id. p. 428.

On the 18th of April, the bill received two readings in the House of Representatives, and was then committed to a committee of the whole. H. Journal, P. 581.

The bill was considered in committee of the whole, on the 7th of May, when various amendments were reported, which were agreed to by the house, and the bill was then read Id. p. 601.

Passed by House.

The Senate, on the same day, concurred in the amendments of the House, with an amendment to the amendment to the thirteenth section, to wit, after the word "revenue," in the third line of the amendment, insert "to the S. Journal, P. 441.

## CHAP. IV.

## Executive Departments—Western Territory.

1792.

1st Congress.  
1st Session.

several commissioners of loans, and to all persons employed in their respective offices." This amendment was concurred in by the House of Representatives on the same day.

H. Journal,  
p. 603.1st Congress.  
1st Session.Western  
territory.Bill to pro-  
vide for go-  
vernment.Passed by  
House.Amended  
by Senate.

ON the 14th of July, 1789, it was ordered by the House of Representatives, that a committee be appointed to prepare and bring in a bill, or bills, to provide for the government of the western territory; and Messrs. Fitzsimons, Sedgwick, and Brown, were appointed to prepare the same. Mr. Fitzsimons, on the 16th, reported a bill to provide for the government of the territory north-west of the river Ohio, which was then read the first time. On the 17th, the bill received its second reading, and was committed to a committee of the whole; and on the 20th, the bill was taken up for consideration in committee, when several amendments were reported to the house, which were agreed to, and the bill was ordered to be engrossed for the third reading. The bill was read the third time, and passed on the following day. In the Senate, the bill received its first reading on the same day, and was read the second time on the 3d of August; and on the 4th, the Senate proceeded to the third reading of the bill. A motion was then made to amend the bill, by inserting after the word "President," in the last line of the second section, the words "by and with the consent of the Senate:" it was decided in the negative, by the following vote:—

*Yeas*—Messrs. Butler, Few, Gunn, Grayson, Johnson, Izard, Langdon, Wingate.—8.

*Nays*—Messrs. Carroll, Dalton, Ellsworth, Elmer, Henry, King, Morris, Read, Stanton, Strong.—10.

The bill was then concurred in, with the following amendments:—

"Line 10. After 'United States and,' strike out 'all appointments to offices, which by the said ordinance were to have been made by the United States in Congress assembled, shall be made by the President of the United States, with the advice and consent of the Senate,' and insert these words: 'the President shall nominate, and by and with the advice and consent of the Senate, shall appoint all officers which, by the said ordinance, were to have been appointed by the United States in Congress assembled.'"

"Line 17. After 'shall,' insert 'bc.'"

These amendments were agreed to by the House.

1789.

H. Journal,  
p. 60.

Id. p. 61.

Id. p. 62.

Id. p. 63.

S. Journal,  
p. 44, 51,  
52.H. Journal,  
p. 71, 72.

## CHAP. IV.

## Executive Departments—Western Territory.

1792.

2d Congress.  
1st Session.Petition of  
Judge Turner  
for revision  
of the ordinance.

Committee.

Resolutions  
of House.

At the first session of the second Congress, on the 19th of January, 1792, a memorial was presented to the House of Representatives, from George Turner, one of the judges of the territory of the United States north-west of the Ohio, praying a revision of the ordinance for the government of the said territory, and also an increase of compensation to the judges thereof: which memorial was referred to Messrs. Livermore, Lawrance, White, Williamson, and Smith, of South Carolina. Mr. Livermore, on the 22d of March, made a report from this committee, which was taken up by the house for consideration on the next day, when the following resolution was adopted:—

H. Journal,  
p. 490, 543.

Id. p. 544.

*Resolved*—That the laws of the territory north-west of the Ohio be printed, under the inspection of the secretary of state, and delivered to the governor and judges, to be distributed for the information of the inhabitants.

“That the official duties of the secretary of the said territory be under the control of the laws of the territory.

“That the governor and judges have power to repeal these laws, if found to be improper.

“That a single judge, in the absence of the other judges, be authorized to hold a court.

“That the secretary of state provide seals for the said territory.

“That the military power be subordinate to the civil power.

“That the limitation act, passed by the governor and judges of said territory, the twenty-eighth day of December, one thousand seven hundred and eighty-eight, ought to be repealed by Congress.

“That certain expenses incurred by two of the judges in purchasing a boat to carry the judges and soldiers as an escort on the circuit, and also for sending an express, amounting to ———, ought to be paid by the United States.”

It was then ordered, that a bill, or bills, in conformity with this resolution, be brought in, and Messrs. Livermore, Lawrance, White, Williamson, and Smith, of South Carolina, were appointed a committee to prepare and bring in the same.

Bill reported.

On the 31st of March, Mr. Livermore, from this committee, presented a bill in addition to an act, entitled ‘An act to provide for the territory north-west of the river Ohio, which was read the first and second time, and committed to a committee of the whole house. This bill was considered in committee of the whole, on the 8th of May, when it was reported with an amend-

Id. p. 555.

# HISTORY OF CONGRESS.

CHAP. IV.

Executive Departments—Accounts between United States and States.

1792.

Congress. ment; which was agreed to by the House, and the bill was then H. Journal,  
Session. engrossed, and read the third time on the same day. The bill p. 605.  
1 passed having been transmitted to the Senate, received its three several S. Journal,  
House readings on the same day, and was passed. p. 443.  
18 Senate.

Congress. THERE was also a Senate bill passed during the second session 1790.  
Session. of the first Congress, in reference to this subject. On the 7th of S. Journal,  
Territory April, 1790, it was ordered, that Messrs. Ellsworth, Johnston, p. 130.  
th of and Strong, be a committee to bring in a bill, for the govern-  
io. ment of the territory of the United States, south of the river  
Ohio. Mr. Ellsworth reported this bill on the 9th, when it was  
read the first time; it was discussed on its second reading, on Id. p. 131.  
11 passed the 12th and 13th, and, on the 14th, was read the third time, Id. p. 132.  
Senate, and passed, and sent to the House of Representatives for their  
concurrence. On the 14th and 15th, the bill received its first H. Journal,  
and second reading in the house, and was committed to a com- p. 194.  
mittee of the whole. It was taken up for consideration in com-  
mittee of the whole, on the 28th of April, and was reported Id. p. 203,  
without amendment; after which it was amended in the house, 204.  
And by and ordered to be read the third time. On the following day, it  
use. was read the third time, and passed. The amendments were S. Journal,  
considered in Senate on the 4th of May, when it was resolved p. 137.  
that the Senate do not agree to the proposed amendments. And H. Journal,  
on the 5th, the House adopted a resolution to recede from their p. 209.  
amendments.

Congress. IT was found necessary to create a board of commissioners, for 1790.  
Session. the settlement of the accounts between the United States and  
accounts between U. individual states. The legislation on this subject will properly  
tes and come under the scope of this chapter.  
vidual

ca. On the 14th of July, 1789, Messrs. Baldwin, Sturges, and H. Journal,  
Bill. Smith, of South Carolina, were appointed a committee of the p. 60, 61.  
House of Representatives to prepare and bring in a bill, or bills,  
to provide for the settlement of the accounts between the United  
States and the individual states, agreeably to the ordinance of  
the late Congress. Mr. Baldwin, on the 16th, presented a bill Id. p. 62.  
to that effect, which was then read the first time, and, on the  
17th, received its second reading, and was committed to a com-  
mittee of the whole house. The bill was taken up for consid-  
eration in committee, on the 22d, and was reported without Id. p. 64.  
amendment. A motion was then made, and agreed to, to dis-

## CHAP. IV.

## Executive Departments—Accounts between United States and States.

1789.

1st Congress.  
1st Session.

charge the committee of the whole from the further consideration of the bill, and to recommit it to Messrs. Baldwin, Sturges, and Smith, of South Carolina. On the 24th, Mr. Baldwin, from this committee, reported an amendment to the bill, which was agreed to, and the bill was then ordered to be engrossed for the third reading. And, on the 27th, the blanks in the bill being filled up, it was read the third time, and passed. In the Senate, the bill received its three several readings on the 27th, 29th, and 30th, and was passed by that branch without amendment.

H. Journal,  
p. 66.S. Journal,  
p. 47, 49.Passed by  
Senate.

2d Session.

Bill to in-  
crease sa-  
laries.

On the 19th of February, 1790, the speaker laid before the House of Representatives a letter from the board of commissioners for settling accounts, respecting the insufficiency of the salaries allowed by law to the clerks employed in that department, which letter, on the 22d, was referred to Messrs. Gerry, Trumbull, and Gale. Mr. Gerry, on the 26th, made a report on the subject, which was laid on the table; and, on the 5th of March, this report was considered, and was recommitted to the same committee, with instructions to prepare and bring in a bill in conformity with the report. Mr. Gerry, on the 8th, presented a bill for increasing the salaries of clerks, in the office of the commissioners for settling accounts between the United States and individual states, which was then read the first time, and was read the second time on the 9th, and ordered to be engrossed for the third reading. On the 10th, the bill was read the third time, and passed. In the Senate, this bill was read the first time on the 11th, and was taken up on the second reading on the 12th; and on the 30th, when a motion being made to assent a day for the third reading of the bill, it was decided in the negative. Thus the bill was rejected, the object being accomplished by an amendment to a more general bill, the passage of which has already been noticed.

1790.

H. Journal,  
p. 161, 162.

Id. p. 164.

Id. p. 169.

Passed by  
House.Id. p. 171,  
172.S. Journal,  
p. 119, 120.Rejected  
by Senate.

Id. p. 125.

Bill to add  
two com-  
missioners  
to the  
board.

On the 4th of August, Mr. Madison moved for leave to bring in a bill for adding two commissioners to the board established for settling accounts between the United States and the individual states; and, leave being granted, Messrs. Madison, Vining, and Wadsworth, were appointed a committee to prepare and bring in such bill. Mr. Madison, on the same day, presented a bill, which was read the first and second time, and committed to a committee of the whole house for the same day. The house then considered the bill in committee, and the bill was reported with an amendment, which was agreed to by the house; and the question being then put on the engrossment of the bill, it was decided in the affirmative, as follows:—

H. Journal,  
p. 288.

## CHAP. IV.

## Executive Departments—Accounts between United States and States.

1790.

1st Congress.  
2d Session.

*Ayes*—Messrs. Ames, Ashe, Baldwin, Benson, Bloodworth, Brown, Burke, Carroll, Clymer, Coles, Fitzsimons, Gales, Gilman, Griffin, Grout, Hartley, Heister, Huntington, Lee, Madison, jr., Mathews, Moore, Muhlenberg, Page, Parker, Partridge, Scott, Seney, Sevier, Stone, Sumpter, Trumbull, Tucker, Wadsworth, White, Wynkoop.—36.

S. Journal,  
p. 288, 289.

*Noes*—Messrs. Boudinot, Cadwalader, Floyd, Foster, Gerry, Hathorn, Jackson, Lawrance, Livermore, Van Rensselaer, Schureman, Sherman, Silvester, Sinnickson, Smith, of Maryland, Smith, of South Carolina, Steele, Sturges, Thatcher.—19.

Passed by  
House.

On the following day, the bill was read the third time, and passed.

In Senate, the bill received its first reading on the same day; and, on the following day, the bill having been again taken up

S. Journal,  
p. 199, 200.Rejected  
by Senate.

for consideration, and the question being put, "Shall this bill pass to the second reading?"—it was decided in the negative.

More ef-  
fectual set-  
tlement of  
accounts.

On the 20th of April, the House of Representatives adopted a resolution to appoint a committee to inquire what further measures are necessary for making an effectual and speedy settlement of the accounts of the several states with the United States, and to prepare and bring in a bill pursuant thereto. And Messrs. Fitzsimons, Williamson, Smith, of Maryland, Schureman, and Sturges, were appointed of this committee. And, on the 23d, for the purpose of obtaining all necessary information, the house adopted the following orders:—

H. Journal,  
p. 196.Calls for  
informa-  
tion.

"*Ordered*—That the secretary of the department of war be directed to lay before the house an account of the troops, (including the militia,) and also of the ordnance stores, furnished, from time to time, by the several states, towards the support of the late war; and that the commissioners for settling the accounts of the United States with the respective states, be directed to lay before the house an abstract of the claims of the several states against the United States, specifying the principles on which the claims are founded.

Id. p. 199.

"*Ordered*—That the secretary of the treasury be directed to report the sums of money, including indents and paper money of every kind, reduced to specie value, which have been received from, or paid to, the several states, by Congress, from the commencement of the revolution to the present period.

"*Ordered*—That the commissioners for settling accounts between the United States and individual states, report the amount of such claims of the states as have been offered to them since the time expired for receiving claims, specifying the principles

## CHAP. IV.

## Executive Departments—Accounts with States.

1790.

1st Congress. on which the claims are founded, and distinguishing them from  
2d Session. other claims."

Reports in On the 2d of May, the speaker laid before the house a letter *H. Journal*,  
reply. and report from the commissioners, in obedience to the above or- *P. 206.*  
der. And on the 11th, the speaker also laid before the house *Id. p. 214.*  
reports from the secretary of war, and the secretary of the trea-  
sury, in compliance with the directions sent to them on this sub-  
ject.

The following motion was also submitted to the house, on the  
7th of May:—

"*Resolved*—That the secretary of war be, and he is hereby, *Id. p. 210.*  
directed to cause accurate lists to be forthwith published in the  
newspapers of the states of Virginia and North Carolina, of all  
the officers and soldiers who are entitled to receive certain ar-  
rears of pay due to the lines of the army of the said states, for  
which money was granted and appropriated by Congress at their  
last session; and that payment be made to the said officers and  
soldiers, or, where dead, to their legal representatives, under the  
same regulations as have been adopted for the payment of inva-  
lid pensioners, in pursuance of an act passed at the last session of  
Congress, entitled 'An act providing for the payment of the in-  
valid pensioners of the United States,' and that no claim of any  
assignee, under any transfer or power to receive the same, be ad-  
mitted as valid, to entitle any person to receive any part of the  
said arrears of pay, due to the officers or soldiers of the said  
lines, except as aforesaid."

This motion was referred to Messrs. Bland, Williamson, and *Id. p. 216,*  
Burke. Mr. Bland presented a report from this committee on *217.*  
the 14th, which was taken up for consideration on the 17th,  
when the house amended the resolutions of the committee, and  
adopted them in the following form:—

Resolu- " *Resolved*—That the President of the United States be re-  
tions as requested to cause to be forthwith transmitted to the executives  
due to of the states of Virginia, North Carolina, and South Carolina, a  
sol- complete list of the officers, non-commissioned officers, and pri-  
diers, vates of the lines of these states, respectively, who are entitled  
adopted by to receive arrears of pay, due for services in the army, in the  
House. years 1782 and 1783, annexing the particular sum that is due to  
each individual, with a request to the executives of the said states,  
to make known to the claimants, in the most effectual manner,



Congress.  
Session.

that the said arrears are ready to be discharged on proper application.

Resolu-  
ns of  
House.

“*Resolved*—That the President of the United States be requested to cause the secretary of the treasury to take the necessary steps for paying (within the said states respectively) the money appropriated by Congress, on the 29th day of September, 1789, for the discharging the arrears of pay due to the troops of the lines of the said states respectively. H. Journal, P. 218.”

“*Resolved*—That the secretary of the treasury, in cases where the payment has not been made to the original claimant, in person, or to his representatives, be directed to take order for making the payment to the original claimant, or to such person or persons only as shall produce a power of attorney, duly attested by two justices of the peace of the county in which such person or persons reside, authorizing him or them to receive a certain specified sum.”

These resolves were, by the Senate, committed to Messrs. Ellsworth, Lee, Johnston, Izard, and King. Mr. Ellsworth, on the 20th, made a report, which was considered on the 21st, and which was as follows:— S. Journal, P. 143.

Amended  
Senate.

“In the first resolve, *page 1st, line 7th*, insert ‘and’ before ‘North Carolina,’ and expunge ‘and South Carolina.’”

“Subjoin the following at the end of the last resolution:—‘Except where certificates or warrants have been issued under the authority of the United States, for any of the said arrears of pay, and the same shall be produced by the claimant or claimants. Except, also, where powers of attorney, otherwise attested or expressed than as aforesaid, drawn before the passing of these resolutions, shall be presented, and no circumstances shall appear before, or within four months after, demand made, by virtue of them, of the commissioner or agent that shall be intrusted to pay out the moneys aforesaid, rendering it probable, in the opinion of such commissioner or agent, that the said powers of attorney are forged, or have been obtained by fraud.’”

It was then agreed to adopt the first resolution in this form. The second resolution of the house was also agreed to. It was then moved to agree to the third resolution of the house, subjoining the first exception reported by the committee; to wit:—“Except where certificates or warrants have been issued under authority of the United States, for any of the said arrears of pay, and the same shall be produced by the claimant or claimants;” and the question being taken on this motion, it was decided as follows:—

## CHAP. IV.

## Executive Departments—Accounts with States.

1790.

1st Congress.  
3d Session.

*Yeas*—Messrs. Bassett, Butler, Carroll, Few, Gunn, Hawkins, Henry, Johnston, Lee, Maclay, Read, Walker, Wingate.—13.

*Nays*—Messrs. Dalton, Ellsworth, Johnson, Izard, King, Langdon, Morris, Schuyler, Strong.—9.

It was then determined to strike out the word “four,” before the word “months,” in the second exception reported by the committee. It was then moved to agree to the second exception of the committee, and the question being put, was decided as follows:—

*Yeas*—Messrs. Butler, Dalton, Ellsworth, Johnson, Izard, King, Langdon, Morris, Read, Schuyler, Strong.—11. S. Journal, p. 144.

*Nays*—Messrs. Bassett, Carroll, Few, Gunn, Hawkins, Henry, Johnston, Lee, Maclay, Walker, Wingate.—11.

The numbers being equal, the Vice-President decided the question by giving the casting vote in the negative. The resolution, in its amended form, was then agreed to. The House of Representatives, on the 24th, concurred in the amendments of the Senate. H. Journal, p. 221.

Bill to provide for settlement of accounts.

On the 27th of May, Mr. Fitzsimons, from the committee appointed for that purpose, presented a bill to provide for the settlement of the accounts between the United States and the individual states, which was read the first and second time, and committed to a committee of the whole house. The bill was taken up, and considered in committee of the whole on the 1st, 2d, 3d, and 4th of June; when a motion was made and agreed to, that the committee of the whole house be discharged from further proceeding thereon, and that the bill lie on the table. On the 7th and 8th, the bill was further considered, discussed, and amended, and was then ordered to be engrossed and read the third time. And on the 9th, after receiving the third reading, it was again committed to Messrs. Fitzsimons, Williamson, Sedgwick, Wadsworth and Madison. On the 17th, Mr. Fitzsimons reported, from this committee, an amendatory bill, which was read the first and second time, and committed to a committee of the whole house. The bill was taken up and considered in committee on the 21st, when several amendments were reported, which were agreed to by the house. It was moved to amend the bill by striking out, in the fifth section, the words, “the rule for apportioning to the states the expenses of the war, shall be the same that is prescribed by the Constitution of the United States, for the apportionment of representation and direct taxes, and according to the first enumeration which shall be

Id. p. 224.  
Id. p. 232, 233.  
Id. p. 234, 235.  
Id. p. 236.  
Id. p. 244.  
Id. p. 246.

1 Congress.  
Session.

made." The question being taken on this motion, it was decided in the negative, as follows:—

*Ayes*—Messrs. Ashe, Baldwin, Floyd, Foster, Gilman, Hathorn, Jackson, Lawrance, Livermore, Sedgwick.—10.

*Noes*—Messrs. Ames, Benson, Bloodworth, Boudinot, Brown, Burke, Cadwalader, Carroll, Coles, Contee, Fitzsimons, Gale, Goodhue, Griffin, Grout, Heister, Huger, Huntington, Leonard, Madison, jr., Moore, Muhlenberg, Page, Partridge, Van Rensselaer, Schureman, Scott, Seney, Sevier, Sherman, Silvester, Sinnickson, Smith, of Maryland, Smith, of South Carolina, Steele, Stone, Sturges, Sumpter, Thatcher, Trumbull, Tucker, Vining, Wadsworth, White, Williamson.—45.

It passed  
House.

The bill was then ordered to be engrossed for the third reading, and on the 22d the bill was read the third time and passed.

H. Journal,  
P. 247.

In the Senate, the bill was read the first and second time on the 23d; and on the 30th, and the 1st of July, it was further discussed on the question of its second reading, and was committed to Messrs. King, Strong, Read, Ellsworth, and Hawkins.

S. Journal,  
P. 165.

Mr. King, on the 3d, reported from this committee several amendments to the bill, which were agreed to on the 6th, and the bill was ordered to the third reading. On the 7th, the bill was again committed to Messrs. Morris, Schuyler, King, Lee, and Ellsworth. On the 8th, the bill was again reported by Mr. Morris, with amendments, and the Senate having agreed to amend the bill accordingly, it was again ordered to the third reading; and

Id. p. 172,  
173.

Id. p. 174,  
175.

Id. p. 176.

Passed by  
Senate,  
amended.

On the 9th the bill, in its amended form, was read the third time and passed. On the 13th and 14th, the House of Representatives considered the amendments of the Senate, and determined

H. Journal,  
P. 269.

House dis-  
agree.

to disagree to all of them, and to desire a conference with the Senate on the subject; and appointed Messrs. Sedgwick, Wadsworth, Boudinot, Fitzsimons, and Williamson, to be managers

Confer-  
ence.

on their part. The Senate, also, on the 14th, agreed to the conference, and appointed Messrs. Ellsworth, King, and Lee, to be their managers. On the 21st, Mr. Sedgwick made a report to the House of Representatives, and the House adopted the following resolutions:—

S. Journal,  
P. 179.

Resolu-  
tions of  
House.

*Resolved*—That this house do insist on so much of their disagreement to the first amendment, as proposes to strike out the second section of the bill, and the words, '*And be it further enacted,*' in the third section, and do agree to such other parts of the said amendment as propose to strike out all the words in the first section, from the word '*assembled,*' to the end thereof, with an amendment, to insert, in lieu of the words so stricken out, the

## CHAP. IV.

## Executive Departments—Accounts with States.

1790.

1st Congress.  
2d Session.Resolu-  
tions of  
House.

following words: 'That a board, to consist of three commissioners, be, and hereby is, established to settle the accounts between the United States and the individual states: and the determination of a majority of the said commissioners, on the claims submitted to them, shall be final and conclusive; and they shall have power to employ such number of clerks as they may find necessary.'

"*Resolved*—That this house do insist on their disagreement to the second and sixth amendments, and do recede from their disagreement to the third, fourth, fifth, and seventh amendments.

"*Resolved*—That this house do disagree to the amendment proposed by the conferees, in the third line of the third section, for striking out the word 'July,' and inserting, in lieu thereof, the word 'April.'"

In the Senate, Mr. Ellsworth made a report from the managers, on the 21st; and, on the 23d, the Senate proceeded to consider the resolutions of the House of Representatives, when the following resolutions were adopted:—

Resolu-  
tions of  
Senate.

"*Resolved*—That the Senate recede from so much of their amendment, section 1st, as to agree to the amendment of the House of Representatives on the amendment, as follows: After the word 'assembled,' section 1st, line 2d, 'that a board, to consist of three commissioners, be, and hereby is, established, to settle the accounts between the United States and the individual states; and the determination of a majority of the said commissioners, on the claims submitted to them, shall be final and conclusive; and they shall have power to employ such number of clerks as they may find necessary.'"

S. Journal,  
p. 187, 188.

"That they recede from their amendments to the third section, and

"From their sixth amendment, and agree to restore the sixth section."

2d Congress.  
1st Session.

On the 21st of November, 1791, being the first session of the second Congress, the House of Representatives appointed Messrs. Dayton, Griffin, and Hartley, to be a committee to prepare and bring in a bill, or bills, for extending the time limited for the settlement of the accounts of the United States with the individual states; and, on the 23d, Mr. Dayton, from this committee, presented a bill to extend the time limited for the settlement of the accounts of the United States with the individual states, which

1791.

H. Journal,  
p. 458.Id. p. 461,  
462.

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Executive Departments—Accounts with States.

1791-92.

Congress.  
1 Session.

was read the first and second time, and committed to a committee of the whole house; and, on the 30th of December, the bill was considered in committee, and an amendment was reported, which was agreed to by the house, and the bill was then ordered to be engrossed, and read the third time. On the 2d of January, 1792, the bill was read the third time and passed. In the Senate, this bill was read the first time, on the 3d, and was considered and discussed on the question of the second reading, on the 4th and 5th, when it was committed to Messrs. Bradley, Monroe, and Ellsworth. On the 10th, Mr. Bradley reported sundry amendments, which were adopted, and the bill was then ordered to the third reading; and, on the 11th, the bill was passed with the following amendments:—

H. Journal,  
p. 483.S. Journal,  
p. 362, 363.Id. p. 364.  
370.

After the first section, insert the following:

*"Sect. 2. And be it further enacted—That the aforesaid act shall extend to the settlement of the accounts between the United States and the state of Vermont; and that, until the first day of December next, shall be allowed for the said state to exhibit its claims."*

*"And that section 2 be made to read section 3."*

On the 13th of January, the House agreed to the amendments of the Senate.

2d Session.

Bill to extend  
the  
act.

On the 5th of December, Mr. Bradley gave notice that on the following Friday, he should move for leave to bring in a bill, in addition to, and alteration of, an act, entitled "An act to extend the time limited for settling the accounts of the United States with the individual states." And on the 7th, he introduced the bill, which was then read the first time; and on the 10th, after some debate on the question of the second reading, was committed to Messrs. Bradley, Strong, King, Ellsworth, and Brown. On the 13th, Mr. Bradley reported amendments to the bill; and the bill, having been amended in conformity thereto, was ordered to the third reading. The bill was read the third time, and passed, on the 14th, and was then sent to the House for concurrence, where it was read the first and second time, and committed to a committee of the whole house; and, on the 21st of February, 1793, the bill was considered in committee, and reported without amendment. It was then moved to amend the bill, by striking out the first section, in the words following; to wit:—

Id. p. 461.

Id. p. 462.

Id. p. 463.

Passed by  
Senate.H. Journal,  
p. 649, 710,  
711.

*"Be it enacted, by the Senate and House of Representatives of the United States of America, in Congress assembled—That the second*

1st Congress.  
1st Session.

section of the said act, which extended the powers of the board of commissioners to the settlement of the accounts between the United States and the state of Vermont, be, and hereby is, repealed."

And the question being put on this motion, it was determined in the negative by the following vote:—

*Ayes*—Messrs. Barnwell, Boudinot, S. Bourne, B. Bourne, Clarke, Dayton, Gerry, Gilman, Huger, Kittera, Lee, Livermore, Smith, Sturges, Tucker, Venable, Willis.—17.

*Noes*—Messrs. Ames, Ashe, Baldwin, Benson, Fitzsimons, Giles, Goodhue, Gordon, Greenup, Gregg, Grove, Hartley, Heister, Hillhouse, Hindman, Kitchell, Lawrance, Learned, Leonard, Macon, Madison, Mercer, Milledge, Moore, Murray, Niles, Orr, Page, Parker, Schoonmaker, Sedgwick, I. Smith, Steele, Thatcher, Tredwell, Wadsworth, Ward, White, Williamson.—39.

The bill was then ordered to be read the third time, and on H. Journal, the 23d, it was read the third time, and on the question of its passage, the decision was as follows:—

*Ayes*—Messrs. Ames, Ashe, Baldwin, Benson, Boudinot, Clarke, Fitzsimons, Giles, Goodhue, Gordon, Greenup, Gregg, Griffin, Grove, Hartley, Key, Kitchell, Lawrance, Learned, Leonard, Macon, Madison, Mercer, Moore, Muhlenberg, Murray, Niles, Orr, Parker, Schoonmaker, Sedgwick, Silvester, I. Smith, Steele, Sterrett, Tredwell, Ward, White, Williamson.—39.

*Noes*—Messrs. Barnwell, S. Bourne, B. Bourne, Dayton, Gerry, Gilman, Hindman, Huger, Lee, Livermore, W. Smith, Sturges, Sumpter, Thatcher, Tucker, Venable, Willis.—17.

1st Congress.  
2d Session.

FOREIGN  
INTER-  
COURSE.

Sug-  
gestion of Pre-  
sident.

In the message of the President opening the second session of 1790. the first Congress, the necessity of affording facilities to the in- S. Journal, tercourse with foreign nations, is urged in the following extract: P. 103.

"The interests of the United States require that an inter- H. Journal, course with other nations should be facilitated by such provisions P. 135. as will enable me to fulfil my duty, in that respect, in the manner which circumstances may render most conducive to the public good; and, to this end, that the compensation to be made to the persons who may be employed, should, according to the nature of their appointments, be defined by law; and a competent fund designated for defraying the expenses incident to the conduct of our foreign affairs.

1st Congress.  
1st Session.

Committee  
to prepare  
bill.

Bill ordered  
to 3d  
reading.  
Recommit-  
ted.  
Amenda-  
tory bill.

Passed by  
House.

Recommit-  
ted.

Amended  
by Senate.

On the 15th of January, it was ordered by the House of Representatives, that a committee be appointed to prepare and bring in a bill, or bills, for making compensation to persons employed in the intercourse between the United States and foreign nations; and Messrs Sedgwick, Huntington, and Lee, were appointed of said committee. Mr. Sedgwick, on the 21st, from this committee, presented a bill, providing the means of intercourse between the United States and foreign nations, which was then read the first time, and on the following day, received the second reading, and was committed to a committee of the whole house. The bill was considered and discussed in committee on the 25th, 26th, and 27th, when several amendments were reported, which were agreed to by the house, and the bill was ordered to be read the third time. On the 24th of March, on the question of the third reading, the bill was recommitted to Messrs. Sedgwick, Huntington, and Lee; and on the 31st, Mr. Sedgwick, from this committee, reported an amendatory bill to the same effect, which was then read the first time, and, on the following day, was read the second time, and committed to a committee of the whole house. The bill was taken up for consideration by the house, in committee, on the 27th, when several amendments were reported, which were considered and agreed to on the 29th, and the bill was then ordered to be engrossed for the third reading. The bill was read the third time, and passed, on the 30th, and was then sent to the Senate for concurrence, where it received the first reading on the same day, and, on the 3d of May, was read the second time, and referred to Messrs. Strong, Ellsworth, Carroll, Maclay, and Few. Mr. Strong made a report from this committee on the 7th, and, on the 10th, the bill was recommitted. On the 25th, Mr. Strong reported an amendment to the bill, by striking out from the word "always," in the 6th line, to the word "also," in the 12th line, inclusive; which report was accepted, and the bill being amended accordingly, was ordered to the third reading. On the following day, the bill was read the third time, and passed, as amended. The House of Representatives, on the 27th, proceeded to consider the amendment of the Senate, striking out the following words:—

"That the President shall not allow to any minister plenipotentiary a greater sum than at the rate of nine thousand dollars *per annum*, as a compensation for all his personal services and expenses; nor a greater sum for the same, than three thousand dollars to a *chargé des affaires*; nor a greater sum than one thou-

H. Journal,  
p. 141.

Id. p. 144.

Id. p. 146—  
148.

Id. p. 182.

Id. p. 186.

Id. p. 202.  
205.

S. Journal,  
p. 136.

Id. p. 138.

Id. p. 144,  
145.

H. Journal,  
p. 224. 225.

## CHAP. IV.

## Executive Departments—Foreign Intercourse.

1790.

1st Congress.  
2d Session.

sand three hundred and fifty dollars for the same, to any of their secretaries; and that each of the ministers aforesaid, and their secretaries, shall be entitled to one quarter's salary, after receiving leave to return, or a recall from the court to which they may respectively be appointed: *And provided, also.*"

House dis-  
agree.

And the question being put on agreeing to this amendment, it was decided in the negative, by the following vote:—

*Ayes*—Messrs. Ames, Benson, Cadwalader, Gale, Goodhue, Griffin, Hartley, Heister, Huntington, Lawrance, Lee, Parker, Partridge, Smith, of South Carolina, Stone, Trumbull, Vining, Wynkoop.—18.

*Noes*—Messrs. Baldwin, Bloodworth, Boudinot, Brown, Burke, Carroll, Coles, Contee, Fitzsimons, Floyd, Foster, Gerry, Gilman, Grout, Hathorn, Huger, Jackson, Leonard, Livermore, Madison, jr., Mathews, Moore, Muhlenberg, Page, Van Rensselaer, Schureman, Scott, Sedgwick, Seney, Sherman, Silvester, Sinnickson, Steele, Sumpter, Thatcher, Tucker, White, Williamson.—38.

Senate in-  
sist.

So the House resolved to disagree to the amendment of the Senate. On the 28th, the Senate considered this determination of the House, and adopted a resolution to *insist* on their amendment to the bill. On the same day the subject was again taken up for consideration in the House of Representatives, and a motion was made that the House do recede from their disagreement to the amendment, when the question being put on this motion, it was decided in the negative, by the following vote:—

S. Journal,  
p. 147.H. Journal,  
p. 227.

*Ayes*—Messrs. Ames, Benson, Cadwalader, Clymer, Goodhue, Griffin, Huntington, Lawrance, Lee, Parker, Partridge, Smith, of South Carolina, Stone, Trumbull, Vining, Wynkoop.—16.

*Noes*—Messrs. Ashe, Baldwin, Bloodworth, Burke, Coles, Contee, Fitzsimons, Floyd, Foster, Gerry, Gilman, Grout, Hartley, Hathorn, Huger, Jackson, Leonard, Livermore, Madison, jr., Mathews, Moore, Page, Van Rensselaer, Schureman, Scott, Seney, Sherman, Silvester, Sinnickson, Smith, of Maryland, Steele, Sturges, Sumpter, Thatcher, Tucker, White, Williamson.—37.

House in-  
sist.

The House of Representatives, therefore, determined to *insist* on their disagreement.

Confer-  
ence.

On the 31st, the Senate determined still to insist on their amendment, and to request a conference on the subject, with such committee as the House might appoint; and Messrs. King,

S. Journal,  
p. 148.



MAP. IV.

Executive Departments—Foreign Intercourse.

1790.

Congress.  
Session.

Izard, and Read, were appointed managers on the part of the Senate. And the House, having agreed to the said conference, appointed Messrs. Gerry, White, and Williamson, to be the managers on their part. Mr. King, on the 23d of June, made the following report:—

H. Journal,  
p. 231.Report in  
Senate.

“That the word ‘thirty,’ *line* 3d, of the bill, be struck out, and the word ‘forty’ inserted: that the Senate do recede from their amendment on the bill, and that all the words proposed to be struck out of the bill by the Senate, except the three last words, be expunged, and the following words be inserted in their stead: ‘That, exclusive of an outfit, which shall in no case exceed the amount of one year’s full salary to the person to whom the same may be allowed, the President of the United States shall not allow to any minister plenipotentiary, a greater sum than at the rate of nine thousand dollars *per annum*, as a compensation for all his personal services and other expenses; nor a greater sum for the same, than four thousand five hundred dollars *per annum* to a chargé des affaires; nor a greater sum for the same, than one thousand three hundred and fifty dollars *per annum* to any of their secretaries.”

S. Journal,  
p. 104.

This report was agreed to, and was sent to the House of Representatives for their concurrence.

H. Journal,  
p. 251.

In the House of Representatives, Mr. Gerry made a report from the managers, on the 24th; and, on the next day, the house proceeded to consider the amendments of the Senate, and adopted the following resolution:—

“*Resolved*—That this house do agree to the said amendments, with the following amendments; namely:—

Amend-  
ments of  
House.

“*Line* 9th. Strike out the word ‘person,’ and, in lieu thereof, insert ‘the minister plenipotentiary or chargé des affaires.’

“*Line* 19th. Strike out ‘any of their secretaries,’ and, in lieu thereof, insert ‘the secretary of any minister plenipotentiary.’”

Senate  
concur.

The Senate, on the 25th, concurred in these amendments, and the bill was passed.

S. Journal,  
p. 166.Congress.  
Session.

THE President of the United States, in his annual message at the commencement of the second session of the second Congress, called the attention of that body to the circumstance of the expiration of the law on this subject, at the close of this session. The committee of the whole, to whom this message was referred,

1792.

S. Journal,  
p. 454.  
H. Journal,  
p. 613.

## CHAP. IV.

## Executive Departments—Foreign Intercourse—Consuls.

1798.

2d Congress.  
2d Session.

on the 21st of November, 1792, in reference to this subject, reported the following resolution:—

*“Resolved—That it is the opinion of this committee, that provision be made, by law, for the maintenance of the intercourse with foreign nations.”* H. Journal, P. 624.

Bill to continue and amend existing law.

And, on the following day, Messrs. Sedgwick, Dayton, and Leonard, were appointed a committee to prepare and bring in a bill pursuant to this resolution. Mr. Sedgwick, accordingly, on the 7th of December, presented a bill to continue in force, for a limited time, and to amend, the act, entitled “An act providing the means of intercourse between the United States and foreign nations;” which was then read the first and second time, and was committed to a committee of the whole house. On the 17th of January, 1793, the bill was considered in committee of the whole, and reported without amendment, and was then ordered to be engrossed and read the third time. The bill was read the third

Passed by House,

time and passed on the 18th, and was sent to the Senate, where it received the first reading on the same day; and, on the 24th, the consideration of the bill was resumed, and, after some debate, it was read the second time. On the 31st, the bill was again

And Senate.

discussed, and was ordered to the third reading. The bill was read the third time and passed on the 5th of February.

1st Congress.  
2d Session.

CONSULS.

Committee on subject of fees.

On the 17th of June, 1790, being the second session of the first Congress, the House of Representatives ordered that a committee be appointed to consider whether any, and what, fees, perquisites, or other emoluments, shall be annexed to the offices of consul and vice-consul; and Messrs. Gerry, Boudinot, and Huntington were appointed of such committee; and, on the 1st of July, Mr. Gerry, from this committee, presented a report, which was considered on the following day, when the house adopted the following resolution:—

Resolutions of House.

*“Resolved—That it shall and may be lawful for all consuls and vice-consuls of the United States, for every protest or deposition relative to letters of attorney, goods, wares, and merchandise, bills of exchange, and other marine and mercantile affairs and transactions, with a certificate thereof, under their hands and seals respectively, to receive the sum of ——— dollars.*

*“Resolved—That citizens of the United States, appointed to reside in foreign ports and places, as consuls or vice-consuls of the United States, shall be enabled to own any ships or vessels in their*

1790.

H. Journal,  
p. 243, 244,  
255.

Congress.  
Session.

own names, or in partnership with any other citizen of the United States, residing within the said states, and be entitled to all the privileges and advantages, in respect to such ships or vessels, as if such consuls or vice-consuls, respectively, owning said ships or vessels, actually resided within any port or place within the United States."

It was then ordered that a bill, or bills, be brought in, pursuant to these resolutions, and that Messrs. Gerry, Boudinot, Huntington, Wadsworth, and Goodhue, do prepare and bring in the same. It was then ordered that it be referred to the said committee to report a provision,

"That, in foreign ports, where the laws of the kingdom or state make it necessary that vessels should enter by the medium of a consul, and where the laws of such kingdom or state have determined that certain fees shall be paid to such consuls, the consul of the United States shall be authorized to receive such fees; and also, to report what further provision may, in the opinion of the said committee, be necessary for consuls and vice-consuls of the United States."

Bill to es-  
tablish  
s, &c.

Mr. Gerry, on the 15th of July, presented, from this committee, an amendatory bill for establishing the fees and perquisites to be received by consuls and vice-consuls of the United States in foreign ports, and for other purposes therein mentioned, which was then read the first and second time, and committed to a committee of the whole house. On the 19th and 20th, the bill was considered in committee of the whole, and several amendments were reported, when it was ordered to be engrossed, and read

H. Journal,  
p. 271.

passed by  
House.

the third time. On the 21st, the bill was read the third time and passed, and sent to the Senate, where it received the first reading on the same day, and was read the second time and committed, on the 26th, to Messrs. Morris, King, and Langdon. Mr. King made a report from this committee, on the 2d of August, and it was then ordered that the further consideration of the bill be postponed until the next session of Congress.

Id. p. 273—  
275.

S. Journal,  
p. 187. 189.

Id. p. 194.

S. Journal,  
p. 218.

postponed  
Senate.

Session.

Act con-  
cerning  
consuls.

The President of the United States having, in his message at the opening of the third session of this Congress, again called the attention of Congress to the subject of consuls, it was ordered, on the 16th of December, that Messrs. Ellsworth, Hawkins, and Schuyler, be a committee to take into consideration, and report to the Senate, on that part of the President's speech which relates to the appointment of consuls. Mr. Ellsworth, on the 7th

H. Journal,  
p. 332.

S. Journal,  
p. 222.

## CHAP. IV.

## Executive Departments—Consuls.

1791.

1st Congress.  
3d Session.

of January, 1791, reported a bill on the subject, which was then read the first time. On the 12th, the bill was considered, on the question of the second reading, and was recommitted to Messrs. Ellsworth, Morris, Schuyler, Hawkins, and King. Mr. Ellsworth, on the 26th, reported amendments, which were adopted, and the bill having been amended accordingly, was read the second time, and ordered to the third reading. And on the following day the bill was read the third time and passed. In the House of Representatives, this bill was read the first and second time on the 28th of January, and was committed to a committee of the whole house. On the 2d of March, the bill was taken up for consideration in committee, when several amendments were reported, which were agreed to by the house, and the bill was then read the third time, and passed, as amended. The amendments of the house were to strike out all the bill, except the first section, and to amend the title to read thus:—"An act for carrying into effect the convention between his most Christian Majesty and the United States, respecting consuls and vice-consuls." The first section, proposed to be retained, is as follows:—

S. Journal,  
P. 231.

Id. p. 232.

Id. p. 236.

H. Journal,  
P. 365.

Id. p. 400.

S. Journal,  
P. 299—  
301.Amend-  
ments pro-  
posed by  
House.

"Sect. 1. *Be it enacted, by the Senate and House of Representatives of the United States of America, in Congress assembled*—That where, in the seventh article of the said convention, it is agreed that there shall be no consul or vice-consul of the most Christian King, to attend to the saving of the wreck of any French vessel stranded on the coasts of the United States, or that the residence of the said consul or vice-consul (he not being at the place of the wreck) shall be more distant from the said place than that of the competent judge of the country, the latter shall immediately proceed to perform the office therein prescribed: the nearest district judge of the United States shall proceed therein, according to the tenor of the said article. The district judges of the United States shall also, within their respective districts, be the competent judges for the purposes expressed in the ninth article of the said convention, and it shall be incumbent on them to give aid to the consuls and vice-consuls of his most Christian Majesty, in arresting and securing deserters from vessels of the French nation, according to the tenor of the said article.

"And where, by any article of the said convention, the consuls and vice-consuls of his most Christian Majesty are entitled to the aid of the competent executive officers of the country, in the execution of any precept, the marshals of the United States, and their deputies, shall, within their respective districts, be the

at Congress.  
d Session.

Amend-  
ments pro-  
posed by  
House.

competent officers, and shall give their aid according to the tenor of the stipulations.

“And whenever commitments to the jails of the country shall become necessary, in pursuance of any stipulation of the said convention, they shall be to such jails within the respective districts as other commitments under the authority of the United States are by law made.”

And the sections proposed to be stricken out are the following:—

Sections  
proposed  
by the  
House to  
be stricken  
out.

“Sect. 2. And, for the direction of the consuls and vice-consuls of the United States, in certain cases,

“*Be it enacted, by the authority aforesaid*—That they shall have right in the ports or places to which they are, or may be, severally appointed, of receiving the protests or declarations, and all other acts, which such captains, masters, crews, passengers, and merchants, as are citizens of the United States, may respectively choose to make there: and also their testaments and other disposals by last will; and the copies of the said acts, duly authenticated by the said consuls or vice-consuls, under the seal of their consulates, respectively, shall be evidence in all courts of justice in the United States. It shall be their duty, in case of the absence of the legal representative, and where the laws of the country permit, to take possession of the personal estate left by any citizen of the United States, who shall die within their consulate: they shall inventory the same, with the assistance of two merchants of the United States, or, for want of them, of any others at their choice: shall collect the debts due to the deceased, in the country where he died, and pay the debts due from his estate, which he shall have there contracted: shall sell such part of the estate as shall be of a perishable nature, and such further part, if any, as shall be necessary for the payment of his debts; and at the expiration of one year from his decease, the residue, and the balance of the estate, they shall transmit to the treasury of the United States, to be holden in trust for the legal claimants. But if, at any time before such transmission, the legal representative of the deceased shall appear and demand his effects in their hands, they shall deliver them up, being paid their fees, and shall cease their proceedings.

S. Journal,  
p. 300.

“For the information of the representative of the deceased, it shall be the duty of the consul or vice-consul, authorized to proceed as aforesaid in the settlement of his estate, immediately to notify his death in one of the gazettes published in the con-

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3d Session.

Sections  
proposed  
by the  
House to  
be stricken  
out.

sulate, and also to the secretary of state, that the same may be notified in the state to which the deceased shall belong; and he shall, also, as soon as may be, transmit to the secretary of state an inventory of the effects of the deceased, taken as before directed.

*“Sect. 3. And be it further enacted—*That the said consuls and vice-consuls, in cases where ships or vessels of the United States shall be stranded on the coasts of their consulates, respectively, shall, as far as the laws of the country will permit, take proper measures, as well for the purpose of saving the said ships or vessels, their cargoes and appurtenances, as for storing and securing the effects and merchandise saved; and such inventory or inventories thereof, taken as aforesaid, shall, after deducting therefrom the expense, be delivered to the owner or owners: *Provided—*That no consul or vice-consul shall have authority to take possession of any such goods, wares, merchandise, or other property, when the master, owner, or consignee thereof, is present, or capable of taking possession of the same.

*“Sect. 4. And be it further enacted—*That it shall and may be lawful for every consul and vice-consul of the United States, to take and receive the following fees of office, for the services which he shall have performed.

*“For authenticating, under the consular seal, every protest, declaration, letter of attorney, last will and testament, deposition, or other act, which such captains, masters, mariners, seamen, passengers, merchants, or others, as are citizens of the United States, may respectively choose to make, the sum of two dollars.*

*“For the taking into possession, inventorying, selling, and finally settling and paying, or transmitting as aforesaid, the balance due on the personal estate left by any citizen of the United States, who shall die within the limits of his consulate, five per centum on the gross amount of such estate.*

*“For taking into possession, and otherwise proceeding on, any such estate which shall be delivered over to the legal representative before a final settlement of the same, as is hereinbefore directed, two and a half per centum on such part delivered over as shall not be in money, and five per centum on the gross amount of the residue.*

*“And it shall be the duty of the consuls and vice-consuls of the United States, to give receipts for all fees which they shall receive by virtue of this act, expressing the particular services for which they are paid.*

*“Sect. 5. And be it further enacted—*That, in case it be

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Sections  
proposed  
by the  
House to  
be stricken  
out.

found necessary for the interest of the United States, that a consul or consuls be appointed to reside on the coast of Barbary, the President be authorized to allow an annual salary, not exceeding two thousand dollars, to each person so to be appointed: *Provided*—That such salary be not allowed to more than one consul for any one of the states on the said coast.

*"Sect. 6. And be it further enacted*—That every consul and vice-consul shall, before they enter on the execution of their trusts, or if already in the execution of the same, within one year from the passing of this act, or if resident in Asia, within two years, give bond, with such sureties as shall be approved by the secretary of state, in a sum not less than two thousand, nor more than ten thousand dollars, conditioned for the true and faithful discharge of the duties of his office, according to law, and also for truly accounting for all moneys, goods, and effects, which may come into his possession by virtue of this act, and the said bond shall be lodged in the office of the secretary of the treasury. S. Jour  
p. 301.

*"Sect. 7. And be it further enacted*—That, to prevent the mariners and seamen employed in vessels belonging to citizens of the United States, in cases of shipwreck, sickness, or captivity, from suffering in foreign ports, it shall be the duty of the consuls and vice-consuls, respectively, from time to time, to provide for them, in the most reasonable manner, at the expense of the United States, subject to such instructions as the secretary of state shall give, and not exceeding an allowance of twelve cents to a man *per diem*, and all masters and commanders of vessels belonging to citizens of the United States, and bound to some port of the same, are hereby required and enjoined to take such mariners or seamen on board of their ships and vessels, at the request of the said consuls or vice-consuls, respectively, and to transport them to the port in the United States to which such ships or vessels may be bound, free of cost or charge; but that the said mariners or seamen shall, if able, be bound to do duty on board such ships or vessels, according to their several abilities: *Provided*, that no master or captain of any ship or vessel shall be obliged to take a greater number than two men to every one hundred tons' burden of said ship or vessel, on any one voyage; and if any such captain or master shall refuse the same, on the request or order of the consul or vice-consul, such captain or master shall forfeit and pay the sum of thirty dollars for each mariner or seaman so refused; to be recovered for the benefit of the United States, by the said consul or vice-consul, in his own name, in any court of competent jurisdiction.

## CHAP. IV.

## Executive Departments—Consuls.

1791.

1st Congress.  
3d Session.Sections  
proposed  
by the  
House to  
be stricken  
out.

*"Sect. 8. And be it further enacted—*That citizens of the United States, appointed to reside in foreign ports and places, as consuls or vice-consuls of the United States, shall be enabled to own any ships or vessels in their own names respectively, or in partnership with any other citizen or citizens of the United States, residing within the said states, and be entitled to all the privileges and advantages, in regard to such ships or vessels, as if such consuls or vice-consuls, owning such ships or vessels, actually resided within any port or place within the United States, any law to the contrary notwithstanding.

*"Sect. 9. And be it further enacted—*That where a ship or vessel belonging to citizens of the United States, is sold in a foreign port or place, the master, unless the crew are liable by their contract, or do consent to be discharged there, shall send them back to the state where they entered on board, or furnish them with means sufficient for their return, to be ascertained by the consul or vice-consul of the United States having jurisdiction of the port or place. And, in case of the master's refusal, the said consul or vice-consul may, (if the laws of the land permit it,) cause his ship, goods, and person, to be arrested, and held until he shall comply with his duty therein.

*"Sect. 10. And be it further enacted—*That the specification of certain powers and duties in this act, to be exercised or performed by the consuls and vice-consuls of the United States, shall not be construed to the exclusion of others, resulting from the nature of their appointments, or any treaty or convention under which they may act."

Senate dis-  
agree.House in-  
sist.Senate ad-  
here.House ad-  
here.Bill to  
carry into  
effect con-  
vention  
with  
France.

The Senate, having considered these amendments of the House, determined not to agree to them. The House, on the same day, adopted a resolution to *insist* on their amendments; and a communication to this effect being received by the Senate,

that body resolved to *adhere* to their disagreement to the amendments. H. Journal,  
p. 401.  
  
S. Journal,  
p. 304.

On the 3d of March, the House of Representatives, also, determined to *adhere* to their amendments, and thus the bill was lost. H. Journal,  
p. 403.

The House of Representatives, on the same day, granted leave to bring in a bill or bills for carrying into effect a consular convention between His Most Christian Majesty and the United States; and Messrs. Smith, of South Carolina, Madison, and Vining, were instructed to prepare and bring in the same. Mr. Smith shortly afterwards presented a bill, which was read the Id. p. 406.



RAP. IV.

Executive Departments—Consuls.

1791.

Congress.  
Session.  
Bill passed  
House.

first, second, and third time, and passed on the same day. This bill was in the same words as the first section of the bill which was lost on the same day. Being transmitted to the Senate, it was there read the first time, and, on the question of its second reading, the vote of the Senate stood thus:—

S. Journal,  
p. 311, 312.

*Yeas*—Messrs. Carroll, Dalton, Foster, Hawkins, Henry, Johnston, Izard, Langdon, Lee, Maclay, Monroe, Stanton, Strong.—13.

*Nays*—Messrs. Bassett, Ellsworth, Johnson, King, Morris, Schuyler.—6.

The question was, therefore, decided in the negative, the rule rendering it necessary that there should be unanimous consent for reading a bill the second time, on the same day. And this being the last day of the session, the bill, consequently, was postponed till the next session.

Congress.  
Session.  
Bill con-  
cerning  
consuls.

At the commencement of the first session of the second Congress, the subject of consuls was again brought before the Senate, as one of the items of business in which it would be proper for the Senate to proceed; and Messrs. Morris, Cabot, and Ellsworth, were appointed a committee to report a bill concerning consuls and vice-consuls. On the 14th of November, 1791, Mr. Morris, from this committee, reported a bill pursuant to this instruction, which was then read the first time, and on the 15th and 16th, the question of the second reading was before the Senate, when the bill was committed to Messrs. Burr, Ellsworth, Strong, Morris, and Monroe, to report generally thereon. On the 28th, Mr. Burr reported sundry amendments, which were agreed to, and on the 29th, after the adoption of other amendments, the bill was read the third time and passed, being similar to the bill which was passed by the Senate at the preceding session of Congress. In the House of Representatives this bill was read the first and second time on the 30th of November, and was committed to a committee of the whole House: the bill was taken up and considered in committee on the 9th of April, 1792, when several amendments were reported; and having been agreed to by the House, the bill was ordered to the third reading, and was read the third time on the following day; and on the same day, the Senate concurred in the amendments of the House of Representatives.

Id. p. 335.

Id. p. 340,  
341.

Id. p. 343.

H. Journal,  
p. 465.

Id. p. 571.

S. Journal,  
p. 423.

Passed by  
Senate,

And by  
House.

## CHAP. IV.

## Executive Departments—Mint.

1790.

1st Congress.  
2d Session.

MINT.

Boulton's  
proposals  
for supply-  
ing copper  
coinage.Call on se-  
cretary of  
treasury.

ON the 7th of April, 1790, at the second session of the first Congress, a member from South Carolina presented to the House of Representatives a letter addressed to him from John H. Mitchell of that state, stating proposals from Matthew Boulton, of the kingdom of Great Britain, for supplying the United States with copper coinage, to any amount that government should think fit to contract with him for, upon the terms therein mentioned. The letter and proposals were referred to the secretary of state, with an instruction to examine the same and report his opinion to the House. The secretary of state made his report on this subject on the 15th, when the House adopted an order, "That it be an instruction to the secretary of the treasury to prepare and report to this house a proper plan or plans for the establishment of a national mint."

H. Journal,  
p. 190. 194.

3d Session.

Secretary's  
report.Commit-  
ted in Se-  
nate.Report a-  
greed to.Resolu-  
tions of Se-  
nate.

ON the 30th of January, 1791, the speaker laid before the House of Representatives the report of the secretary of the treasury, on the subject of the establishment of a mint, made pursuant to the above order of the House. This report of the secretary having been communicated to the Senate, was there referred to Messrs. Morris, Izard, King, Monroe, and Schuyler, to consider and report what was proper to be done. Mr. Morris made a report from the committee, on the 1st of March, which was taken up on the following day, for consideration, and was agreed to. The House then adopted the following resolutions:—

1791.  
H. Journal,  
p. 366.S. Journal,  
p. 239.Id. p. 292.  
303.

*"Resolved, by the Senate and House of Representatives of the United States of America, in Congress assembled—That a mint shall be established, under such regulations as shall be directed by law.*

*"Resolved—That the President of the United States be, and he is hereby, authorized to cause to be engaged such artists and workmen as shall be necessary to carry the preceding resolution into effect, and to stipulate the terms and conditions of their services, and also to cause to be procured such apparatus as shall be requisite for the same purpose."*

These resolutions being transmitted to the House of Representatives for concurrence, the second resolution was there amended, by inserting after the word "such," the word "principal;" and the question, on the adoption of the resolutions, was then decided in the affirmative, by the following vote:—

H. Journal,  
p. 402.Adopted  
by House.

*Ayes—*Messrs. Boudinot, Cadwalader, Clymer, Contee, Fitzsimons, Floyd, Gale, Gilman, Griffin, Hartley, Lawrance, Lee,

<sup>1</sup> Congress. Session. Muhlenberg, Scott, Sedgwick, Seney, Sevier, Silvester, Smith, of Maryland, Smith, of South Carolina, Steele, Trumbull, Vining, Wadsworth, Wynkoop.—25.

*Noes*—Messrs. Ashe, Baldwin, Burke, Foster, Giles, Hathorn, Heister, Huntington, Jackson, Leonard, Livermore, Moore, Partridge, Van Rensselaer, Schureman, Sherman, Sinnickson, Sumpter, Tucker, White, Williamson.—21.

It was also determined to amend the second resolution by expunging the words “and workmen.” In these amendments of the House the Senate concurred. S. Journal, p. 309.

<sup>1</sup> Congress. Session.

Bill to establish the int.

At the commencement of the first session of the second Congress, the necessity for the establishment of a mint was strongly urged by the President of the United States in his annual message. And, on the 31st of October, 1791, it was ordered by the Senate that Messrs. Morris, King, Izard, Cabot, and Henry, be a committee to take into consideration the subject of a mint, and to report a bill thereon, if they think proper. Mr. Morris, on the 21st of December, from this committee, reported “a bill establishing a mint, and regulating the coins of the United States,” which was then read the first time. The further consideration of this bill was continued on the 26th and 27th of December, and on the 2d, 3d, 4th, and 5th of January, when it was ordered to the third reading, and on the question of the third reading, on the 9th, the following amendments were agreed to:—

“*Sect. 1.* From line 14, expunge to the end of the section, and make the following the second section; to wit:—

“*Sect. 2. And be it further enacted*—That the director of the mint shall employ as many clerks, workmen, and servants, as he shall, from time to time, find necessary, subject to the approbation of the President of the United States.”

And to number the subsequent sections accordingly.

<sup>1</sup> amended. It was moved further to amend the sixth section, by inserting, after the word “accounts,” in the amendment, these words:—

“Of the disbursements of the said mint shall be rendered by the director thereof, at the treasury of the United States, for settlement according to the rules prescribed for the adjustment of accounts against the United States, in other cases. And the said director shall, likewise, once in each year, make a report to Congress of the transactions of the said mint, accompanied by

1791-92.

H. Journal, p. 438.

S. Journal, p. 327.

Id. p. 332.

Id. p. 359.

Id. p. 361,

362.

Id. p. 363,

p. 364.

2d Congress.  
1st Session.

an abstract of the settlement of said disbursements, which abstract shall be certified by the comptroller of the treasury."

But this motion was decided in the negative.

Motions to  
amend.

It was then moved to amend the 9th section of the original bill, as follows:—

"*Line 9.* Strike out the words 'and silver.'

"And after the word 'America,' in the 11th *line*, erase to the end of the section, and in lieu thereof, insert, 'And upon the reverse of each of the said silver coins, in the centre of the exergue, there shall be an engraving of two hands united, and around the margin of the piece as many circles linked together, as there shall be states in the Union at the time of the coinage, each circle containing the initial letters of the name of its respective state; and between the representation of the united hands and the circles aforesaid, there shall be this inscription in an annular form, 'Dollar of the United States of America,' where the coinage shall be of a dollar; but where the coinage shall be of parts of a dollar, expressing the same, accordingly.

"And, on the reverse of each of the said copper coins, there shall be a representation of America, in the usual female figure of Justice holding the balanced scales, with this inscription, 'To all their due;' and around the margin this legend, expressive of the denomination of the piece, 'Cent of the United States of America,' or half cent, as the case may be."

This motion, also, was decided in the negative.

Passed by  
Senate.

The bill was taken up again on the 12th, and, after being further amended, was read the third time, and passed.

In the House of Representatives this bill was read the first and second time, on the 13th of January, and was committed to a committee of the whole house; and on the 24th of March, the bill was taken up and considered in committee, and was reported with the following amendment:—

H. Journal,  
p. 491.

Id. p. 547.

"In the tenth section, strike out the words, 'or representation of the head of the President of the United States for the time being, with an inscription, which shall express the initial or first letter of his Christian or first name, and his surname at length, the succession of the presidency numerically,' and in lieu thereof, insert 'Emblematic of Liberty, with an inscription of the word LIBERTY.'"

A division on this question having been demanded, the question was first taken on striking out the words which have been re-

## CHAP. IV.

Executive Departments—*Mint.*

171

2d Congress.  
1st Session.Amended  
in House.

cited above, and this question was decided in the affirmative, by the following vote:—

H. JOURNAL  
P. 544

*Ayes*—Messrs. Baldwin, Clarke, Fitzsimons, Giles, Gregg, Heister, Key, Kitchell, Kittera, Lawrance, Lee, Macon, Madison, Moore, Niles, Page, Seney, Jere. Smith, Sterrett, Sumpter, Tredwell, Tucker, Venable, White, Williamson, Willis.—26.

*Noes*—Messrs. Barnwell, Benson, Boudinot, S. Bourne, B. Bourne, Brown, Gilman, Goodhue, Hartley, Hillhouse, Huger, Jacobs, Learned, Livermore, Schoonmaker, Sedgwick, Wm. Smith, Sturges, Silvester, Thatcher, Wadsworth, Ward.—22.

The motion to strike out having been agreed to, the question was then taken on the motion to insert the substitute which has already been recited, and decided in the affirmative, as follows:—

*Ayes*—Messrs. Baldwin, Barnwell, B. Bourne, Brown, Clarke, Fitzsimons, Giles, Gilman, Goodhue, Gregg, Hartley, Heister, Hillhouse, Huger, Jacobs, Key, Kitchell, Kittera, Lawrance, Lee, Macon, Madison, Moore, Niles, Page, Schoonmaker, Sedgwick, Seney, Jere. Smith, Wm. Smith, Sterrett, Sturges, Sumpter, Silvester, Tredwell, Tucker, Venable, Wadsworth, Ward, White, Williamson, Willis.—42.

*Noes*—Messrs. Benson, Boudinot, S. Bourne, Learned, Livermore, Thatcher.—6.

The bill was then ordered to the third reading. And on the 26th, the bill was read the third time; and the question being put on its passage, it was decided in the affirmative, by the following vote:—

Id. p.

*Ayes*—Messrs. Ames, Ashe, Baldwin, Barnwell, Benson, Boudinot, S. Bourne, B. Bourne, Brown, Gerry, Gilman, Goodhue, Hartley, Heister, Huger, Key, Kittera, Lawrance, Learned, Livermore, Mercer, Muhlenberg, Page, Sedgwick, Wm. Smith, Sterrett, Sturges, Silvester, Vining, Wadsworth, Ward, Williamson.—32.

*Noes*—Messrs. Clarke, Findley, Giles, Gordon, Grove, Hillhouse, Jacobs, Kitchell, Lee, Macon, Madison, Moore, Niles, Parker, Schoonmaker, Seney, Israel Smith, Sumpter, Thatcher, Tredwell, Venable, White.—22.

Senate dis-  
agree.

The bill having been returned to the Senate with the amendment, it was, on the same day, *resolved*, that the Senate disagree to the amendment. The amendment was then returned to the house, where it was moved that the house recede from their amendment, and the question being taken on this motion, it was decided in the negative, by the following vote:—

S. JOURNAL  
P. 416H. JOURNAL  
P. 550

*Ayes*—Messrs. Ames, Barnwell, Benson, Boudinot, S. Bourne,

## CHAP. IV.

## Executive Departments—Mint.

1792.

2d Congress.  
1st Session.

B. Bourne, Fitzsimons, Gerry, Gilman, Goodhue, Hartley, Hillhouse, Huger, Jacobs, Kittera, Learned, Livermore, Sedgwick, Wm. Smith, Sturges, Silvester, Thatcher, Wadsworth, Ward.—24.

*Noes*—Messrs. Asha, Baldwin, Brown, Clarke, Giles, Gordon, Gregg, Griffin, Grove, Heister, Key, Kitchell, Lee, Macon, Madison, Mercer, Moore, Murray, Niles, Page, Parker, Seney, Jere. Smith, I. Smith, Steele, Sumpter, Tredwell, Tucker, Venable, Vining, White, Williamson.—32.

House ad-  
here.

It was then resolved that the house *adhere* to the said amendment, and on the 27th, the Senate determined to recede from their disagreement to the amendment.

H. Journal,  
p. 551.  
S. Journal,  
p. 416.

On the 30th of April, the Senate, on motion, adopted the following order:—

Bill regulat-  
ing  
foreign  
coins.

“*Ordered*—That Messrs. Morris, King, Izard, Cabot, and Henry, be a committee to inquire into the value of foreign coins in circulation within the United States, and, if they should think it expedient, to report a bill for ascertaining the rates at which they ought to pass, in conformity to the principles of an act, passed the present session, entitled ‘An act establishing a mint, and regulating the coins of the United States,’ and also to report such other provisions as they shall think necessary for carrying into effect the intentions of the said act. Mr. Morris, on the 3d of May, reported a bill, which was then read the first and second time, and being amended, was, on the following day, read the third time, passed, and sent to the House of Representatives, where it was, on the 7th, read the first and second time, committed, considered in committee, and reported without amendment, and, after being amended, was read the third time, and passed. On the same day, the Senate concurred in the amendments of the House.

Id. p. 434,  
435.

Id. p. 437,  
438.

Passed by  
Senate,

H. Journal,  
p. 601.603.

And by  
House.

S. Journal,  
p. 442.

2d Session.  
President's  
message.

At the opening of the second session of the second Congress, the message of the President of the United States contained the following reference to the mint:—

Bill to a-  
mend act  
establish-  
ing a mint.

“In execution of the authority given by the legislature, measures have been taken for engaging some artists from abroad to aid in the establishment of our mint; others have been employed at home. Provision has been made of the requisite buildings, and these are now putting into proper condition for the purposes of the establishment. There has also been a small beginning in the coinage of half dimes, the want of small coins in circulation calling the first attention to them.

S. Journal,  
p. 454.

H. Journal,  
p. 613.

d Congress.  
d Session.

"The regulation of foreign coins, in correspondence with the principles of our national coinage, as being essential to their due operation, and to order in our money concerns, will, I doubt not, be resumed and completed."

Bill passed  
by House.

On the 30th of November, 1792, the House of Representatives adopted an order, that a committee be appointed to prepare and report a bill to amend the act establishing a mint, and regulating the coins of the United States, so far as respects the copper coinage; and Messrs. Williamson, Page, and Kittera, were appointed of this committee. And, on the 31st of December, Mr. Williamson, from this committee, presented a bill, in conformity with this instruction, which was read the first and second time, and committed to a committee of the whole house. The committee considered this bill on the 1st of January, 1793, and having gone through with it, reported several amendments, which were then agreed to; and the bill was ordered to be read the third time. The bill was passed on the 2d, and was sent to the Senate for concurrence, where, on the same day, it was read the first time, and, on the next day, received the second reading, and was committed to Messrs. Morris, Cabot, and Johnston, to consider and report generally thereon. Mr. Morris, on the 9th, reported the bill without amendment. The bill was then amended as follows:—

"Strike out 'eight pennyweights and sixteen grains,' lines 3 and 4, and insert in place of these words, 'two hundred and eight grains.'

"Line 5. Strike out these words, 'four pennyweights and eight,' and insert, in place of these words, 'one hundred and four.'"

Passed by  
Senate.

And the bill, as amended, was then read the third time, and passed. On the same day, the House of Representatives agreed to these amendments.

Senate bill  
to regulat-  
ing  
foreign  
coins.  
Passed by  
Senate.

The Senate also took up the subject recommended in the message of the President. And on the 12th of November, 1792, Messrs. Cabot, Henry, and Morris, were appointed a committee to report a bill regulating foreign coins, and for other purposes. This bill was reported on the following day, by Mr. Cabot, when it was read the first time; and was read the second and third time, and passed, on the two next succeeding days. In the House of Representatives, on the 16th and 19th, the bill was read the first and second time, and committed to a committee of the whole house. In committee, the bill was considered on the 26th, when several amendments were reported, which were

H. Journal,  
P. 630.

Id. p. 657.

Id. p. 658.

Id. p. 660.

S. Journal,  
P. 467.

Id. p. 469.

H. Journal,  
P. 667.

S. Journal,  
P. 458.

H. Journal,  
P. 620, 621.

Id. p. 627.

## CHAP. IV.

## Executive Departments—Mint—Treasury Regulations.

1792-93.

2d Congress.  
1st Session.

agreed to: and the bill was then ordered to the third reading.

The question on the third reading being before the House, on the 28th, it was moved and agreed to, that the bill be recommitted to a committee of the whole house, on the first Monday of January next. In the mean time, on the 8th of January, the speaker laid before the House a letter from the secretary of state, accompanying a report of the assays and experiments made by the director of the mint, on the gold and silver coins of France, England, Spain, and Portugal, made in pursuance of a resolution of the house, of the 29th of November, calling on the President for the information contained in this report. On the 29th of January, 1793, the House again, in committee of the whole, resumed the consideration of the Senate bill, and reported several amendments, which were agreed to by the House; and the bill, in its amended form, was then passed. The Senate proceeded to the consideration of the amendments of the House on the 31st, and resolved to concur in them, with an amendment to their last amendment; to wit: *line 4*, strike out the words "be made," and insert, "commerce," so that the clause be read as follows:—

H. Journal,  
P. 629.Id. p. 630.  
666.

Id. p. 685.

S. Journal,  
P. 477.Bill passed  
by House.

*"And be it further enacted—*That the assay, provided to be made by the act, entitled 'An act establishing a mint, and regulating the coins of the United States,' shall commence in the manner, as by the said act is prescribed, on the second Monday of February, annually; any thing in the said act to the contrary notwithstanding."

And, on the 1st of February, the House concurred in this amendment.

H. Journal,  
p. 688.1st Congress.  
1st Session.

On the 9th of September, 1789, a motion was made in the House of Representatives, in the following words:—

1789.

Motion as  
to drawing  
money  
from trea-  
sury.

"That money shall not be drawn from the treasury of the United States, unless by appropriations made, or particularly confirmed by acts of Congress, subsequently to the 4th of March last."

H. Journal,  
P. 106.

This motion was referred to Messrs. Huntington, Burke, and Griffin, for their examination and report; but there seems to have been no separate action on the subject by the House.



## CHAP. IV.

## Executive Departments—Regulations concerning Treasury.

171

2d Congress.  
1st Session.

THE three following motions were submitted to the House of Representatives, on the 6th of December, 1791:—

Motions  
concerning  
the trea-  
sury.

“*First.* That a committee be appointed to examine and report upon the state of the treasury department, and that such committee be appointed on the second Monday after the meeting of Congress, in every session.

“*Secondly.* That it shall be the duty of the secretary of the treasury to report to this House, on the third Monday of every annual session of Congress, a regular statement and account of the receipts and expenditures of all public money, for the preceding year, as far as the same can be then ascertained; and as soon thereafter as circumstances will permit, of such receipts and expenditures as cannot be specified in the first statement. H. Jour. p. 468

“*Thirdly.* That, within the month of January, in each year, if Congress shall be then in session, or, if not then in session, within the first week of each succeeding session, the secretary of the treasury shall lay before the House of Representatives an accurate statement of receipts and expenditures down to the last day of the month of December, immediately preceding, including the said day; in which statement shall be distinguished the expenditures which fall under each head of appropriation, and shall be shown the sums, if any, which remain unexpended of such appropriations; and that a committee be thereupon forthwith appointed to examine the said statement, and report concerning the same to the House, and that this be considered as a standing order.” Id. p.

Commit-  
ted.

These motions were referred to Messrs. Gerry, Dayton, and Barnwell, for their examination, and report on the subject; and Mr. Gerry, from this committee, on the 22d of December, made a report, which was considered on the 30th, when the House adopted the following resolution:— Id. p.

Resolu-  
tion of  
house.

“*Resolved*—That it shall be the duty of the secretary of the treasury to lay before the House of Representatives, on the fourth Monday of October, in each year, if Congress shall be then in session, or if not then in session, within the first week of the session next following the said fourth Monday of October, an accurate statement and account of the receipts and expenditures of all public moneys, down to the last day inclusively of the month of December, immediately preceding the said fourth Monday of October, distinguishing the amount of receipts in each state or district, and from each officer therein; in which statements shall also be distinguished the expenditures which fall un- Id. p.

## CHAP. IV.

## Executive Departments—Treasury.

1791.

2d Congress.  
1st Session.

der each head of appropriation, and shall be shown the sums, if any, which remain unexpended, and to be accounted for in the next statement, of each and every of such appropriations.

1st Congress.  
2d Session.

On the 8th of February, 1790, the following memorial of Robert Morris was read in the Senate:—

1790.

*“To the President, the Senate, and House of Representatives of the United States of America:—*

*“The memorial of Robert Morris, late superintendent of the finances of the said United States, humbly sheweth:—*

Memorial  
of Robert  
Morris.

*“That, on the twentieth of June, one thousand seven hundred and eighty-five, and subsequently to your memorialist’s resignation of his office of superintendent, the Congress passed a resolution, in the words following: ‘Resolved—That three commissioners be appointed to inquire into the receipts and expenditures of public moneys during the administration of the late superintendent of finance, and to examine and adjust the accounts of the United States with that department, during his administration, and to report a state thereof to Congress;’ which resolution, to persons unacquainted with the nature of the office, and the mode of conducting the business of the department, gave occasion to the supposition that your memorialist had accounts both difficult and important to settle with the United States, in respect to his official transactions. That, though your memorialist foresaw the disagreeable consequences which might result to himself, from the diffusion of such an opinion, he, notwithstanding, not only forbore any representation on the subject, but scrupulously avoided every species of interference, direct or indirect, lest it should be imagined, either that he was actuated by the desire of obtaining from Congress those marks of approbation which had, in repeated instances, been bestowed on the servants of the public, or that he feared to meet the proposed investigation; respect for the sovereignty of the United States, concurring with motives of delicacy, to forbid even the appearance of asking what, if merited, it was to be presumed would be conferred, (as being the proper reward of services, not of solicitation,) and a firm confidence in the rectitude of his conduct, leaving your memorialist no inducement to evade any inquiry into it which it might be thought proper to institute.*

S. Journal,  
p. 111, 112.

*“That your memorialist, taking it for granted that the reasons which had produced a determination to establish a mode of in-*

1st Congress.  
2d Session.

Memorial  
of Robert  
Morris.

quiry into the transactions of the most important office under the government, would have ensured a prosecution of their object, till it had been carried into effect, long remained in silent expectation of the appointment of commissioners, according to the resolution which had been entered into for that purpose: but it has so happened, from what cause your memorialist will not undertake to explain, that no further step has ever been taken in relation to it, and your memorialist has remained exposed to the surmises which the appearance of an intention to inquire into his conduct had a tendency to excite, without having been afforded an opportunity of obviating them.

“That the unsettled condition of certain accounts of a commercial nature, between the United States and the late house of Willing, Morris, and Company, and your memorialist, prior to his appointment as superintendent of the finances, having been confounded with his transactions in that capacity, your memorialist has, in various ways, been subjected to injurious imputations in his official conduct: the only fruits of services which, at the time they were rendered, he trusts he may, without incurring the charge of presumption, affirm, were generally esteemed both important and meritorious, and were at least rendered with ardour and zeal, with unremitted attention, and unwearied application.

“That your memorialist, desirous of rescuing his reputation from the aspersions thrown upon it, came, in the month of October, 1788, to the city of New York, as well for the purpose of urging the appointment of commissioners to inspect his official transactions, as for that of procuring an adjustment of the accounts which existed previously to his administration. But the first object was frustrated by the want of a sufficient number of members to make a Congress; and the last was unavoidably delayed by the preliminary investigations, requisite on the part of the commissioner, named by the late board of treasury, towards a competent knowledge of the business.

“That, in the month of February, 1789, your memorialist returned to New York for the same purposes; but the obstacles which he had before experienced, still operated to put it out of his power to present the memorial which had been prepared by him in October, praying for an appointment of commissioners. That he was, therefore, obliged to confine himself to measures for the settlement of his accounts, respecting the transactions antecedent to his appointment as superintendent; which he entered upon, accordingly, with the commissioner appointed by the

1st Congress.  
2d Session.

Memorial  
of Robert  
Morris.

board of treasury, and in which as much progress, as time and circumstances would permit, was made, until the fourth of March last, when that commissioner, conceiving his authority, by the organization of the new government, to have ceased, declined further proceedings; and, of course, your memorialist was obliged to wait the establishment of the new treasury department for the further prosecution of that settlement, which has been, accordingly, resumed, and which he hopes will speedily be accomplished. But, inasmuch as no mode of inquiry into his official conduct has hitherto been put into operation, and as doubts of its propriety have been raised by an act of the government, your memorialist conceives himself to have a claim upon the public justice, for some method of vindicating himself, which will be unequivocal and definitive. Wherefore, and encouraged by a consciousness of the integrity of his administration, your memorialist is desirous that a strict examination should be had into his conduct while in office, in order, that if he has been guilty of mal-administration, it may be detected and punished: if otherwise, that his innocence may be manifested and acknowledged. Unwilling, from this motive, that longer delay should attend the objects of the resolution which has been recited; your memorialist humbly prays that an appointment of commissioners may take place, to carry the said resolution into effect. And your memorialist, as in duty bound, will pray, &c.

“ROBERT MORRIS.

“*New York, February 8, 1790.*”

Commit-  
ted.

Report.

On the 9th, the Senate took up this memorial for consideration, when it was committed to Messrs. Izard, Henry, and Ellsworth, to consider and report what was proper to be done. Mr. Izard, on the following day, made a report, which was taken up for consideration, on the 11th, when the Senate came to the following resolution:—

Joint reso-  
lution  
adopted by  
Senate.

“*Resolved, by the Senate and House of Representatives—* That three commissioners be appointed by the President of the United States, to inquire into the receipts and expenditures of public moneys, during the administration of the late superintendent of finance; and to examine and adjust the accounts of the United States with that department, during his administration; and to report a state thereof to the President; and, that five dollars per diem be allowed to each of the said commissioners, while they shall be employed in that service.”

The memorial was also presented in the House of Represent-

S. Journal,  
P. 113.

## CHAP. IV.

## Executive Departments—Censure of Secretary of the Treasury.

1790.

1st Congress.  
2d Session.House re-  
porter memo-  
rial.Ordered  
to appoint  
committee  
to examine  
accounts.

atives, on the 10th, and was referred to Messrs. Madison, Sedgwick, and Sherman, for examination and report. In the mean time, the resolution passed by the Senate, was transmitted to the House, where it was ordered to be laid on the table. Mr. Madison, on the 9th of March, made a report on the subject, which was taken up for consideration on the 19th, when the following order was adopted by the House:—

H. Journal,  
p. 156.

Id. p. 157.

Id. p. 171.  
178.

“*Ordered*—That a committee of five be appointed to inquire into the receipts and expenditures of public moneys during the administration of the said Robert Morris, as late superintendent of finance, and report to the House a state of the accounts respecting the same.”

And a committee was accordingly appointed, consisting of Messrs. Madison, Sherman, Sedgwick, Lawrance, and Smith, of South Carolina.

3d Session.

Report of  
committee.

Mr. Madison made a report from this committee, on the 16th of February, 1791, being in the third session of this Congress, and this report was ordered to lie on the table. There appears to have been no further action on this subject during the first and second Congresses.

1791.

1st Congress.  
1st Session.Resolutions  
as to viola-  
tions of  
law, &c.,  
by the se-  
cretary of  
the trea-  
sury.

A FEW days before the termination of the second Congress, on the 28th of February, 1793, the following resolutions were submitted to the House of Representatives:—

1793.

H. Journal,  
p. 723.

“*Resolved*—That it is essential to the due administration of the government of the United States, that laws making specific appropriations of moneys should be strictly observed by the administrator of the finances thereof.

“*Resolved*—That the violation of a law making appropriations of moneys, is a violation of that article of the Constitution of the United States, which requires that no moneys shall be drawn from the treasury but in consequence of appropriations made by law.

“*Resolved*—That the secretary of the treasury has violated the law passed the 4th of August, 1790, making appropriations of certain moneys authorized to be borrowed by the same law, in the following particulars; to wit:—

“1. By applying a certain portion of the principal borrowed, to the payment of interest falling due upon that principal, which was not authorized by that, or any other law.

2d Congress.  
2d Session.

Resolutions as to  
violations,  
&c.

“2. By drawing part of the same moneys into the United States, without the instructions of the President of the United States.

“*Resolved*—That the secretary of the treasury has deviated from the instructions given by the President of the United States, in executing the authorities for making loans, under the acts of the 4th and 12th of August, 1790.

“*Resolved*—That the secretary of the treasury has omitted to discharge an essential duty of his office, in failing to give Congress official information, in due time, of the moneys drawn by him from Europe into the United States; which drawing commenced December, 1790, and continued till January, 1793, and of the causes of making such drafts.

“*Resolved*—That the secretary of the treasury has, without the instructions of the President of the United States, drawn more moneys, borrowed in Holland, into the United States, than the President of the United States was authorized to draw, under the act of the 12th of August, 1790; which act appropriated two millions of dollars only, when borrowed, to the purchase of the public debt; and that he has omitted to discharge an essential duty of his office, in failing to give official information to the commissioners for purchasing the public debt of the various sums drawn from time to time, suggested by him to have been intended for the purchase of the public debt.

“*Resolved*—That the secretary of the treasury did not consult the public interest, in negotiating a loan with the Bank of the United States, and drawing therefrom four hundred thousand dollars at five *per centum per annum*, when a greater sum of public money was deposited in various banks, at the respective periods of making the respective drafts.

“*Resolved*—That the secretary of the treasury has been guilty of an indecorum to this house, in undertaking to judge of its motives in calling for information which was demandable of him, from the constitution of his office, and in failing to give all the necessary information within his knowledge, relatively to the subjects of reference made to him of the 19th of January, 1792, and of the 22d of November, 1792, during the present session.

[The reference of the 19th of January, 1792, was as follows:  
“*Ordered*—That the secretary of the treasury be directed to lay before this house such information, with respect to the finances of the United States, as will enable the legislature to judge whether any additional revenue will be necessary, in consequence of the proposed increase of the military establishment.” And that

2d Congress.  
2d Session.

Resolu-  
tions as to  
violations,  
&c.

of the 22d of November, was in the following terms:—" *Resolved*—That the secretary of the treasury be directed to report the plan of a provision for the reimbursement of the loan made of the Bank of the United States, pursuant to the eleventh section of the act, entitled 'An act to incorporate the subscribers to the Bank of the United States.'"]

" *Resolved*—That a copy of the foregoing resolutions be transmitted to the President of the United States."

1st, 2d, and  
9th resolu-  
tions laid  
on table.

3d, 4th,  
5th, 6th,  
7th, 8th,  
committed.

Adverse  
report.

These resolutions having been submitted and read, the first, H. Jor  
second, and last of them, were ordered to lie on the table; and P. 724

the third, fourth, fifth, sixth, seventh, and eighth resolutions were committed to a committee of the whole house. These latter res-  
olutions were immediately taken up for consideration in com-  
mittee, and were debated on that day and on the 1st of March; Id. p. 1

and in the evening session of this day, the committee reported their disagreement to the resolutions. It was then moved that the house agree with the committee of the whole, in their disagreement to the *third* resolution; to wit:—

" *Resolved*—That the secretary of the treasury has violated the law, passed the 4th of August, 1790, making appropriations of certain moneys authorized to be borrowed by the same law, in the following particulars; to wit:—

"1. By applying a certain portion of the principal borrowed, to the payment of the interest falling due upon that principal, which was not authorized by that, or any other, law.

"2. By drawing part of the same moneys into the United States, without the instructions of the President of the United States."

3d resolu-  
tion reject-  
ed.

And the question being put on this motion, it was decided in Id. p. 1  
the affirmative, by the following vote:—

*Ayes*—Messrs. Ames, Barnwell, Benson, Boudinot, S. Bourne, B. Bourne, Dayton, Fitzsimons, Gerry, Gilman, Goodhue, Gordon, Greenup, Griffin, Grove, Hartley, Hillhouse, Hindman, Key, Kitchell, Lawrance, Learned, Lee, Leonard, Livermore, Muhlenberg, Murray, Niles, Sedgwick, Jere. Smith, I. Smith, Wm. Smith, Steele, Sterrett, Sturges, Thatcher, Tucker, Ward, Williamson, Willis.—40.

*Noes*—Messrs. Ashe, Baldwin, Findley, Giles, Gregg, Macon, Madison, Mercer, Moore, Orr, Page, Parker.—12.

It was then moved that the house agree with the committee in their disagreement to the *fourth* resolution; namely:—

## CHAP. IV.

## Executive Departments—Censure of Secretary of the Treasury.

1798.

2d Congress.  
2d Session.Resolu-  
tions as to  
violations,  
&c.4th resolu-  
tion reject-  
ed.

*“Resolved—*That the secretary of the treasury has deviated from the instructions given by the President of the United States, in executing the authorities for making loans, under the acts of the 4th and 12th of August, 1790.”

And this question was also decided in the affirmative, the vote standing thus:—

*Ayes*—Messrs. Ames, Barnwell, Benson, Boudinot, S. Bourne, B. Bourne, Dayton, Fitzsimons, Gerry, Gilman, Goodhue, Gordon, Greenup, Griffin, Grove, Hartley, Hillhouse, Hindman, Key, Kitchell, Lawrance, Learned, Lee, Leonard, Livermore, Muhlenberg, Murray, Niles, Sedgwick, Jere. Smith, Wm. Smith, I. Smith, Steele, Sterrett, Sturges, Thatcher, Tucker, Ward, Williamson.—39.

*Noes*—Messrs. Ashe, Baldwin, Findley, Giles, Gregg, Macon, Madison, Mercer, Moore, Orr, Page, Parker.—12.

It was then moved that the House agree with the committee in their disagreement to the fifth resolution, which is as follows:—

*“Resolved—*That the secretary of the treasury has omitted to discharge an essential duty of his office, in failing to give Congress official information, in due time, of the moneys drawn by him, from Europe into the United States; which drawing commenced, December, 1790, and continued until January, 1793, and of the causes of making such drafts.”

5th resolu-  
tion reject-  
ed.

This question was also decided in the affirmative, by the following vote:—

H. Journal,  
p. 728.

*Ayes*—Messrs. Ames, Barnwell, Benson, Boudinot, S. Bourne, B. Bourne, Dayton, Fitzsimons, Gerry, Gilman, Goodhue, Gordon, Hartley, Hillhouse, Hindman, Key, Kitchell, Lawrance, Learned, Leonard, Livermore, Muhlenberg, Murray, Sedgwick, Jere. Smith, Wm. Smith, Steele, Sterret, Sturges, Thatcher, Tucker, Ward, Williamson.—33.

*Noes*—Messrs. Ashe, Baldwin, Findley, Giles, Griffin, Grove, Lee, Macon, Madison, Mercer, Moore, Niles, Page, Parker, I. Smith.—15.

A motion was then made that the House agree with the committee in their disagreement to the sixth resolution, in the following words:—

*“Resolved—*That the secretary of the treasury has, without the instruction of the President of the United States, drawn more moneys, borrowed in Holland, into the United States, than



## CHAP. IV.

## Executive Departments—Censure of Secretary of the Treasury.

1798.

2d Congress.  
2d Session.Resolu-  
tions as to  
violations,  
&c.

the President of the United States was authorized to draw, under the act of the 12th of August, 1790, which act appropriated two millions of dollars only, when borrowed, to the purchase of the public debts; and that he has omitted to discharge an essential duty of his office, in failing to give official information to the commissioners for purchasing the public debt, of the various sums drawn from time to time, suggested by him to have been intended for the purchase of the public debt."

6th resolu-  
tion reject-  
ed.

The question on this motion was also decided in the affirmative, as follows:— H. Journal,  
p. 729.

*Ayes*—Messrs. Ames, Barnwell, Benson, Boudinot, S. Bourne, B. Bourne, Dayton, Fitzsimons, Gerry, Gilman, Goodhue, Gordon, Grove, Hartley, Hillhouse, Hindman, Kitchell, Lawrance, Learned, Leonard, Livermore, Muhlenberg, Niles, Sedgwick, Jere. Smith, Wm. Smith, Steele, Sterrett, Sturges, Thatcher, Tucker, Ward, Williamson.—33.

*Noes*—Messrs. Ashe, Baldwin, Findley, Giles, Macon, Madison, Mercer, Parker.—8.

It was then moved that the house agree with the committee in their disagreement to the *seventh* resolution; namely:—

"*Resolved*—That the secretary of the treasury did not consult the public interest, in negotiating a loan with the Bank of the United States, and drawing therefrom four hundred thousand dollars, at five *per centum per annum*, when a greater sum of public money was deposited in various banks, at the respective periods of making the respective drafts."

7th resolu-  
tion reject-  
ed.

The question on this motion was likewise decided in the affirmative, as follows:— Id. p. 729,  
730.

*Ayes*—Messrs. Ames, Barnwell, Benson, Boudinot, S. Bourne, B. Bourne, Dayton, Fitzsimons, Gerry, Gilman, Goodhue, Gordon, Grove, Hartley, Hillhouse, Hindman, Kitchell, Lawrance, Learned, Leonard, Livermore, Muhlenberg, Niles, Sedgwick, Jere. Smith, Wm. Smith, Steele, Sterrett, Sturges, Thatcher, Tucker, Ward, Williamson.—33.

*Noes*—Messrs. Ashe, Baldwin, Findley, Giles, Macon, Madison, Mercer, Parker.—8.

It was then moved that the house agree with the committee in their disagreement to the *eighth* resolution; to wit:—

"*Resolved*—That the secretary of the treasury has been guilty of an indecorum to this house, in undertaking to judge of its motives in calling for information, which was demandable of

## CHAP. IV.

## Executive Departments—Treasury.

1793.

2d Congress.  
2d Session.

him, from the constitution of his office, and in failing to give all the necessary information within his knowledge, relatively to the subjects of reference made to him, of the 19th of January, 1792, and of the 22d of November, 1792, during the present session."

8th resolution rejected.

The question being put on this motion, it was decided in the affirmative, by the following vote:— H. Journal, p. 730.

*Ayes*—Messrs. Ames, Barnwell, Benson, Boudinot, S. Bourne, B. Bourne, Dayton, Findley, Fitzsimons, Gerry, Gilman, Goodhue, Gordon, Hartley, Hillhouse, Hindman, Kitchell, Lawrance, Learned, Leonard, Livermore, Muhlenberg, Niles, Parker, Sedgwick, Jere. Smith, Wm. Smith, Steele, Sterrett, Sturges, Thatcher, Tucker, Ward, Williamson.—34.

*Noes*—Messrs. Ashe, Baldwin, Giles, Grove, Lee, Macon, Madison.—7.

So all these motions were rejected.

Inaccuracies in printing treasury reports.

On the 27th of February, of this session, the speaker laid before the House of Representatives a letter from the secretary of the treasury, stating certain inaccuracies in printing the statements communicated by his first and second letters, lately presented, on the subject of foreign loans, and expressing a wish that some regulation may be adopted, to enable the head of the treasury department to secure the fidelity and correctness of the printed copies of the reports which shall hereafter be made to the House, and shall be submitted to the press by their order. Id. p. 730.

Committee. Report agreed to.

This letter was referred to Messrs. Fitzsimons, Sedgwick, and Dayton. And, on the 2d of March, Mr. Fitzsimons, from this committee, made a report, which was agreed to, as follows:— Id. p. 730, 731.

"That the committee have examined into the circumstances stated in the letter, and find

"That the standing order of the clerk of this house to the printer, is, to send the proof-sheets of all reports and statements to the department from whence they were made, and that this practice has been generally followed.

"That it has been discontinued during the present session, (so far as respects the secretary of the treasury,) from an opinion of the printer, that the delay which the examination would occasion, might interfere with the intention of the house, of having the business speedily accomplished.

"It did not appear to the committee, that any unnecessary delay had taken place at the office of the comptroller, by reason of

2d Congress.  
2d Session.

the examination of the proof-sheets, nor in the printer, in the execution of his business.

“The committee are of opinion that it is not necessary for them to recommend any new regulation for the future execution of this business; but, in order to rectify the errors which have taken place in the printed reports and statements, the committee recommend the following resolution:—

“*Resolved*—That there be printed, under the direction of the secretary of the treasury, three hundred copies of the reports and statements made by him during the present session, and that the same be delivered to the clerk of this house.’”

Fees for  
transfer of  
public se-  
curities.

On the 8th of February, a committee was appointed by the H. Jor  
House of Representatives, consisting of Messrs. Clarke, Find- P. 696  
ley, and Gerry, to prepare and bring in a bill to establish fees in  
the treasury department for the transfer of public securities; and,  
on the following day, Mr. Clarke, from this committee, presented  
a bill, which was read the first and second time, and committed  
to a committee of the whole house. The bill was considered  
in committee of the whole on the 16th, when an amendment was  
reported: and it does not appear that the bill was subsequently  
acted on.

Bill report-  
ed.

Not acted  
on.

## CHAPTER V.

Organization of Militia—Military Establishment of United States—Brigadier General—Protection of Frontiers—Indians—Hostilities—Treaties with—Trade and Intercourse—Commissioners—Navy Officers—Pensions—Invalids—Widows and Orphans—Claims to Half Pay—Petitions—Bill to regulate Claims to Invalid Pensions—Mode of Payment—Families of Persons killed—Seamen—Distressed Soldiers and Seamen—Marine Hospitals—Increase of Seamen—Individual Claims—Proceedings in relation to St. Clair's Defeat—Raising Troops in Pennsylvania.

THE necessity for the adoption of a system of national defence, was suggested to the government immediately on the adoption of the Constitution, by the attitude of the Indian tribes, within the limits, and along the frontiers of the United States. On this subject, the following message was transmitted by the President of the United States to the House of Representatives, (a copy being, at the same time, addressed to the Senate,) on the 7th of August, 1789:—

S. Journal,  
p. 55.

*"Gentlemen of the House of Representatives:—*

Message of  
President  
as to Indian  
attitudes,  
and organi-  
zation of  
militia.

"The business which has been under the consideration of Congress has been of so much importance, that I was unwilling to draw their attention from it to any other subject; but the disputes which exist between some of the United States, and several powerful tribes of Indians, within the limits of the Union, and the hostilities which have, in several instances, been committed on the frontiers, seem to require the immediate interposition of the general government.

H. Journal,  
p. 73, 74.

"I have, therefore, directed the several statements and papers, which have been submitted to me on this subject by General Knox, to be laid before you for your information.

"While the measures of government ought to be calculated to protect its citizens from all injury and violence, a due regard should be extended to those Indian tribes, whose happiness, in the course of events, so materially depends on the national justice and humanity of the United States.

"If it should be the judgment of Congress, that it would be most expedient to terminate all differences in the Southern district, and to lay the foundation for future confidence, by an ami-

1st Congress.  
1st Session.

Message of  
President.

cable treaty with the Indian tribes in that quarter, I think proper to suggest the consideration of the expediency of instituting a temporary commission for that purpose, to consist of three persons, whose authority should expire with the occasion.

“How far such a measure, unassisted by posts, would be competent to the establishment and preservation of peace and tranquillity on the frontiers, is also a matter which merits your serious consideration.

“Along with this object, I am induced to suggest another, with the national importance and necessity of which I am deeply impressed: I mean, some uniform and effective system for the militia of the United States. It is unnecessary to offer arguments in recommendation of a measure, on which the honour, safety, and well-being of our country so evidently and so essentially depend.

“But it may not be amiss to observe, that I am particularly anxious it should receive as early attention as circumstances will admit; because it is now in our power to avail ourselves of the military knowledge disseminated throughout the several states, by means of the many well-instructed officers and soldiers of the late army—a resource which is daily diminishing by deaths and other causes.

“To suffer this peculiar advantage to pass away unimproved, would be to neglect an opportunity which will never again recur, unless, unfortunately, we should again be involved in a long and arduous war.

“GEORGE WASHINGTON.

“*New York, August 7, 1789.*”

This message, with the statement and papers accompanying it, was ordered to be committed to a committee of the whole house on the state of the Union; and, on the 8th, the message was considered in committee, when several resolutions were reported, which were agreed to by the house, as follows:—

Resolutions of  
House.

“*Resolved*—That it is the opinion of this committee, that an act ought to pass providing for the necessary expenses attending any negotiations, or treaties, which may be held with the Indian tribes, or attending the appointment of commissioners for these purposes.

“*Resolved*—That it is the opinion of this committee, that an act ought to pass, providing a proper system of regulations for the militia of the United States.”

Militia  
committee.

The committee appointed, under the second resolution, to pre-

H. Journal,  
P. 75.

## CHAP. V.

## National Defence—Militia.

1790.

**1st Congress.**  
**1st Session.** pare and bring in a bill, consisted of Messrs. Sumpter, Heister, and Mathews. On the 11th of the same month, Mr. P. Muhlenberg and Mr. Wadsworth were added to this committee. No report was made from the committee during the session.

**2d Session.** At the commencement of the second session, on the 15th of 1790.  
**Committee.** January, 1790, a committee was appointed by the House of Representatives, consisting of Messrs. Gilman, P. Muhlenberg, Heister, Mathews, and Floyd, to prepare and bring in a bill providing for the national defence. And on the 21st of January, the following message was transmitted by the President of the United States to the two houses of Congress:—

*"United States, January 21, 1790.*

*"Gentlemen of the Senate, and House of Representatives:—*

**President's message concerning militia.** "The secretary of the department of war has submitted to me certain principles, to serve as a plan for the general arrangement of the militia of the United States. S. Journal, p. 107. H. Journal, p. 144.

"Conceiving the subject to be of the greatest importance to the welfare of our country, and liable to be placed in various points of view, I have directed him to lay the plan before Congress for their information, that they may make such use thereof as they shall judge proper.

*"GEORGE WASHINGTON."*

Three hundred copies of the plan were ordered to be printed for the use of the members of both houses; and the message and plan were referred to a committee of the whole, on the state of the Union; and, on the 26th of April, this committee was discharged from the further consideration of these documents, and they were referred to the committee appointed to bring in a bill providing for the national defence. Mr. Boudinot, from this committee, on the 1st of July, presented a bill more effectually to provide for the national defence, by establishing a uniform militia throughout the United States, which was read the first and second time, and committed to a committee of the whole house on the state of the Union. There was no further proceeding on this subject during the session. Id. p. 199.

**Bill for establishing a uniform militia.**

**3d Session.** On the 10th of December, 1790, soon after the assembling of Congress at their third session, the House of Representatives ordered the appointment of a committee to prepare a bill, or bills, more effectually to provide for the national defence, by establishing a uniform militia throughout the United States; and Messrs. Id. p. 334.

**Committee to prepare bill establishing a uniform militia.**

1st Congress.  
3d Session.

Bill dis-  
cussed and  
recommi-  
tted.

Memorial  
of the Qua-  
kers.

Motion to  
instruct  
committee.

Amenda-  
tory bill.

Boudinot, P. Muhlenberg, Gilman, Floyd, Grout, Wadsworth, Smith, of Maryland, Bloodworth, Giles, Smith, of South Carolina, and Mathews, were appointed of this committee. Mr. Boudinot, on the 14th of December, presented a bill which was read the first and second time, and committed to a committee of the whole house. The bill was considered in committee of the whole, on the 16th, 17th, 20th, and 21st, when several amendments were reported. The discussion of these amendments occupied the house on the 22d, 23d, and 24th, when some of the amendments having been agreed to, others amended and agreed to, and others disagreed to, the bill was recommitted to Messrs. Wadsworth, Giles, and Tucker. It is relevant to state here, that, on the 24th, a memorial of the Quakers, in their annual assembly for the western shore of Maryland, and the adjacent parts of Pennsylvania and Virginia, lately convened at Baltimore, was presented to the house, stating their objections to various of the provisions of this bill, and this memorial was laid on the table; and that other memorials were presented from the same society.

A motion was made, on the 29th, that it be an instruction to the committee, to whom this bill was recommitted, that they insert the following clause; to wit:—"Be it enacted—That the militia of the several states of the Union, consisting of such persons as are or may be enrolled by them, respectively, shall be organized, armed, and disciplined, in manner following:—"

And the question being taken on this motion, it was decided in the negative, by the following vote:—

*Ayes*—Messrs. Ashe, Bloodworth, Floyd, Grout, Livermore, Thatcher, Tucker, Williamson.—8.

*Noes*—Messrs. Ames, Baldwin, Benson, Boudinot, B. Bourne, Brown, Burke, Cadwalader, Carroll, Fitzsimons, Foster, Gerry, Gilman, Goodhue, Griffin, Giles, Hathorn, Heister, Huntington, Lawrance, Lee, Madison, jr., Mathews, Moore, Muhlenberg, Parker, Partridge, Van Rensselaer, Scott, Sedgwick, Seney, Sevier, Sherman, Silvester, Sinnickson, Smith, of Maryland, Smith, of South Carolina, Stone, Sturges, Trumbull, Wadsworth, White, Wynkoop.—43.

On the 4th of January, 1791, Mr. Wadsworth, from the committee to whom the bill was recommitted, reported an amendatory bill, which was then read the first time, and received the second reading, and was committed to a committee of the whole, on the following day. This bill was not acted on in committee.

H. Journal,  
p. 337—  
242.

Id. p. 345.

Id. p. 349.

2d Congress.  
1st Session.

Committee  
to prepare  
bill.

THE President of the United States, at the opening of the second Congress, again called the attention of that body to the necessity of some legislation relative to the militia; and, on the 31st of October, 1791, it was ordered by the House of Representatives, that so much of the speech as relates to the establishment of a militia, and competent magazines, arsenals, and fortifications, be referred to Messrs. Wadsworth, Dayton, Giles, Ward, Gordon, Wayne, and Steele, with instructions to prepare and bring in a bill, or bills, making provision for the same. And, on the 21st of November, Mr. Wadsworth, from this committee, presented a bill more effectually to provide for the national defence, by establishing a uniform militia throughout the United States; which was read the first and second time, and committed to a committee of the whole house. The bill was considered in committee, on the 21st of February, and on the 28th and 29th; and, also, on the 1st and 2d of March, when several amendments were reported, which were considered on the 5th of March, when some were agreed to, and others disagreed to. The bill was then further amended at the clerk's table, and was ordered to the third reading. On the 6th, the bill was read the third time, and the question on its passage was decided as follows:—

H. Journal,  
p. 445.

Id. p. 457.

1792.

H. Journal,  
p. 517. 522.  
Id. p. 523  
—525.

Passed by  
House.

Id. p. 528.

*Ayes*—Messrs. Ames, Ashe, Barnwell, Benson, Boudinot, B. Bourne, Clarke, Fitzsimons, Gerry, Giles, Goodhue, Grove, Hillhouse, Key, Kitchell, Lawrance, Learned, Lee, Madison, Moore, Muhlenberg, Murray, Sedgwick, I. Smith, Wm. Smith, Steele, Sterrett, Sturges, Silvester, Venable, White.—31.

Id. p. 539.

*Noes*—Messrs. Baldwin, S. Bourne, Findley, Gordon, Gilman, Gregg, Griffin, Heister, Livermore, Macon, Mercer, Niles, Page, Parker, Schoonmaker, Seney, Jere. Smith, Sumpter, Thatcher, Tredwell, Tucker, Vining, Wadsworth, Ward, Wayne, Williamson, Willis.—27.

The bill, being transmitted to the Senate, was there read the first and second time, on the 6th and 8th of March, 1792, when it was referred to Messrs. Gunn, Burr, Bradley, Dickinson, and Stanton. Mr. Gunn made a report on the 20th, which was taken up for consideration on the 22d, 23d, 26th, 27th, and 28th, the amendments reported by the committee were agreed to, and the bill was ordered to the third reading. On the 29th, the bill was read the third time. A motion was then made, and agreed to, to amend the bill as follows:—

S. Journal,  
p. 406, 407.  
412—415.  
417, 418.

Amended  
by Senate.

“Strike out the *proviso* at the end of the first section; namely: ‘*Provided, always*—That if any person, enrolled as aforesaid,

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Amend-  
ments by  
Senate.

shall, by a majority of the field officers of the regiment to which he may belong, be deemed and adjudged unable to purchase the arms and accoutrements required by this act, he shall be excused from a forfeiture for any deficiency therein, until he can procure them, or until they are provided for him.'

"Section 3, line 13. To substitute the word 'privates,' for the word 'men,' and line 20, the word 'bugler,' for the words 'bugle horn.'

"To expunge these words, from section 7, lines 20 and 21, 'and the said adjutant general shall have the rank of brigadier in the militia.'

"Also, these words, section 8, lines 2 and 3, 'prescribed to the late army of the United States, by the then major general, Baron Steuben,' so that the paragraph be read as follows:—'*And be it further enacted*—That the rules of discipline approved and established by Congress, in their resolution of the twenty-ninth day of March, 1779, shall be the rules of discipline to be observed by the militia throughout the United States.'"

A motion was then made by Mr. Rutherford, seconded by Mr. Lee, to add the following proviso to an amendment agreed on in committee of the whole, as the last section of the bill:—'*And provided, further*—That no sentence of a court martial shall extend to the taking of life or limb, or to any corporal punishment, except in case an officer or private shall hold a traitorous correspondence with the enemy, or shall desert, or attempt to desert to them, or shall misbehave in time of action, or shamefully abandon any post, or shall speak words inducing others to offend in any of the foregoing instances.'

But this motion was decided in the negative.

Bill passed. On the question that the bill pass as amended, the decision was as follows:—

S. Jour  
p. 118

*Yeas*—Messrs. Bassett, Bradley, Cabot, Carroll, Ellsworth, Few, Foster, Gunn, Hawkins, Henry, Izard, Johnston, King, Langdon, Lee, Monroe, Reed, Robinson, Sherman, Stanton, Strong, Wingate.—23.

*Nay*—Mr. Rutherford.

The House of Representatives proceeded to the consideration of these amendments, on the 10th, 11th, and 12th of April, agreeing to some of the amendments and disagreeing to others. The two last amendments being read, for adding to the end of the bill the following sections; to wit:—

H. Jour  
p. 573

"*And be it further enacted*—That the President of the United

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1st Session.

Amend-  
ments.

States is hereby authorized to call out the militia, or such part thereof, as the exigence may, in his opinion, require, to execute the laws of the Union, suppress insurrections, and repel invasions. And when militia are employed in the service of the United States, they shall receive the same pay and allowances as are now made to the troops in service.

*“And be it further enacted—That, if any officer, or private soldier of the militia, being ordered into the service of the United States, pursuant to the powers herein given, shall refuse obedience to such orders, he shall forfeit to the use of the United States, a sum not exceeding the amount of one year's pay, of such officer or soldier respectively, as herein established. And the militia, while in the service of the United States, shall be subject to the rules and articles of war. Provided—That the courts martial by whom they shall be subject to be tried, shall be composed entirely of militia officers of the same state with the offenders.”*

Motion to  
amend a-  
amendment.

It was then moved to amend the first of these amendments, by adding thereto the *proviso* which follows; to wit:— H. Journal,  
p. 576.

*“Provided, always—That the powers herein given to the President of the United States, for calling the militia into service, be, and continue in force, until the end of the next session of Congress, and no longer.”*

The question being taken on this motion, it was decided in the affirmative, by the following vote:— id. p. 577.

*Ayes*—Messrs. Ames, Barnwell, Benson, Boudinot, S. Bourne, B. Bourne, Clarke, Fitzsimons, Gilman, Goodhue, Gregg, Griffin, Hartley, Heister, Hillhouse, Huger, Kitchell, Kittera, Lawrance, Learned, Lee, Madison, Moore, Muhlenberg, Murray, Niles, Seney, Sheridan, Jere. Smith, Sterrett, Silvester, Thatcher, Tredwell, Tucker, Vining, Wadsworth, Ward.—37.

*Noes*—Messrs. Ashe, Baldwin, Gerry, Giles, Grove, Key, Livermore, Macon, Mercer, Page, Parker, Schoonmaker, I. Smith, Wm. Smith, Steele, Sturges, Sumpter, Venable, White, Willia.—20.

Amend-  
ment ne-  
gativated.

On the question that the house agree to the amendment as amended, it was decided in the negative; the ayes and noes standing thus:—

*Ayes*—Messrs. Ames, Barnwell, Benson, S. Bourne, B. Bourne, Findley, Fitzsimons, Gilman, Goodhue, Gordon, Gregg, Hartley, Hillhouse, Kittera, Lawrance, Learned, Jere. Smith, Wm. Smith, Sterrett, Silvester, Thatcher, Vining, Wadsworth, Ward.—24.

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Amend-  
ments.

*Noes*—Messrs. Ashe, Baldwin, Boudinot, Brown, Clarke, Gerry, Giles, Griffin, Grove, Heister, Huger, Key, Kitchell, Lee, Livermore, Macon, Madison, Mercer, Moore, Muhlenberg, Murray, Niles, Page, Parker, Schoonmaker, Seney, Sheridan, I. Smith, Steele, Sturges, Sumpter, Tredwell, Tucker, Venable, White, Williamson, Willis.—37.

The amendment was, therefore, disagreed to by the house, as also was the last amendment above quoted.

The Senate, on the 13th, proceeded to consider the subject, when a motion to *recede* from the amendments disagreed to by the House, was decided in the negative. On the following day, a similar motion was made, and determined also in the negative. S. Journal, P. 425, 426.

After each of these motions, the further consideration of the amendments was postponed. On the 16th, a motion was made to *insist* on the amendments; but this motion proved equally unsuccessful, and the consideration of the amendments was again postponed. The subject being again before the Senate on the

Senate in-  
st.

23d, it was resolved, that the Senate insist on their amendments, and desire a conference with the House of Representatives, on the disagreeing votes of the two houses, appointing Messrs. Ellsworth, Gunn, and King, to be managers on the part of the Senate. Id. p. 431.

The House of Representatives, on the 25th, agreed to the conference, and appointed Messrs. Clarke, White, and Murray, to be their managers. On the 27th, the Senate, on motion, resolved to *recede* from their amendments to the bill which had been disagreed to by the House. H. Journal, P. 587.

Senate re-  
cede.

On the 27th, the Senate, on motion, resolved to *recede* from their amendments to the bill which had been disagreed to by the House. S. Journal, P. 433.

Bill to pro-  
vide for  
calling out  
militia.

During the same session, on the 12th of April, the House of Representatives ordered that Messrs. White, Gerry, and Murray, be a committee to prepare and bring in a bill or bills for calling forth the militia, when necessary, to execute the laws of the Union, suppress insurrections, and repel invasions; and, on the

17th, Mr. White, from this committee, presented a bill to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions, which was then read the first and second time, and committed to a committee of the whole house. On the 23d and 24th, this bill was under consideration in committee, and several amendments were reported to the House, which were agreed to on the following day, and the bill was ordered to the third reading; and on the

Passed by  
house.

26th, the blanks having been filled up, the bill was read the third time and passed. In the Senate, the bill received the first, second, and third reading, on the 26th and 27th. Mr. Dickinson then moved to amend it by inserting these words; after the H. Journal, P. 577.  
Id. p. 580. 585—587.  
S. Journal, P. 433.

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National Defence—Militia.

1792.

2d Congress. 1st Session. word "war," section 4, line 3, "except that no militia man shall be subject to corporal punishment," and this motion having been decided in the negative, the bill was concurred in as it came from the House.

2d Session. On the 20th of November, at the second session of this Congress, a motion was made that the House do come to the following resolution:—

Unsuccessful motion to amend militia act.

H. Journal, p. 622, 623.

"*Resolved*—That a committee be appointed to bring in a bill to amend the militia laws passed last session."

This motion provoked some discussion, but was decided in the negative. On the following day, the motion was renewed in a modified form; namely, that a committee be appointed to bring in a bill to repeal so much of the first section of the militia law as relates to the arming of the militia. The question being taken on this motion, it was decided in the negative by the following vote:—

*Ayes*—Messrs. B. Bourne, Key, Mercer, Murray, Sumpter, Willis.—6.

*Noes*—Messrs. Ames, Ashe, Baldwin, Barnwell, Benson, S. Bourne, Clarke, Dayton, Fitzsimons, Gerry, Giles, Gilman, Goodhue, Gordon, Greenup, Griffin, Grove, Hartley, Heister, Hillhouse, Huger, Kitchell, Kittera, Lawrance, Learned, Lee, Leonard, Livermore, Macon, Madison, Moore, Muhlenberg, Niles, Orr, Page, Parker, Schoonmaker, Sedgwick, Silvester, Jere. Smith, William Smith, Steele, Sturges, Thatcher, Tredwell, Tucker, Venable, Ward, White, Williamson.—50.

Secret proceedings concerning militia act. In the Journal of the proceedings of the House of Representatives, which, during the time they were depending, were ordered to be kept secret, will be found the following action of the House on the subject of the act for calling out the militia.

Id. p. 738, 739.

On the 7th of December, 1792, the following message, from the President of the United States, was transmitted to the two houses by Mr. Lear, his secretary.

S. Journal, p. 462.  
H. Journal, p. 738.

"United States, December 7, 1792.

"*Gentlemen of the Senate, and of the House of Representatives*:—

Message of President. "I lay before you two letters, with their enclosures, from the governor of the South-western Territory, and an extract of a letter to him from the department of war.

"These, and a letter of the month of October last, which has already been communicated to you, from the same department

1st Congress.  
2d Session.

Message of  
President.

to the governor, will show in what manner the first section of the act of the last session, which provides for calling out the militia for the repelling of Indian invasions, has been executed. It remains to be considered by Congress, whether in, the present situation of the United States, it be advisable or not to pursue any further or other measures than those which have already been adopted. The nature of the subject does, of itself, call for your immediate attention to it; and, I must add, that upon the result of your deliberations, the future conduct of the executive will, on this occasion, materially depend.

“G. WASHINGTON.”

Message  
considered.

This message, and the accompanying papers, were committed to a committee of the whole house, and were the subject of consideration in that committee, during the 10th, 11th, 14th, and 17th of December, when a successful motion was made that the committee of the whole house be discharged from the further consideration of the same; and, that the said message and papers do lie on the table. On the following day, the subject being resumed, it was moved that the house do come to the following resolution:—

H. Jour  
p. 739.

“*Resolved*—That the President of the United States be authorized to employ such part of the military force, and of the militia of the United States, as he may judge necessary for the effectual protection of the frontiers; and (if he shall judge it expedient,) to carry on offensive operations against the Indians of the five lower Cherokee towns, called Chickamagas; and such other of the Indian tribes as may hereafter commit acts of depredation against the lives and property of the citizens of the United States.”

It was demanded that this question be divided; and it was, therefore, put on agreeing to the first part of the motion, in the following words:—

“*Resolved*—That the President of the United States be authorized to employ such part of the military force, and of the militia of the United States, as he may judge necessary for the effectual protection of the frontiers; and (if he shall judge it expedient,) to carry on offensive operations against the Indians of the five lower Cherokee towns, called Chickamagas.”

Motion  
negative.

And the question being taken on this part of the motion, it was decided in the negative, by the following vote:—

H. Jour  
p. 740.

*Ayes*—Messrs. Baldwin, Barnwell, Clarke, Findley, Fitzsimons, Giles, Greenup, Griffin, Hartley, Huger, Lee, Milledge,

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3d Session.

Moore, Muhlenberg, Murray, Page, Parker, Tucker, Venable, White, Willis.—21.

*Noes*—Messrs. Ashe, Boudinot, S. Bourne, B. Bourne, Gerry, Gilman, Goodhue, Gregg, Heister, Hillhouse, Key, Kitchell, Lawrance, Learned, Leonard, Livermore, Niles, Sedgwick, Silvester, I. Smith, Steele, Sturges, Sumpter, Tredwell, Wadsworth, Ward, Williamson.—27.

The motion was therefore lost.

1st Congress.  
1st Session.MILITARY  
ESTABLISH-  
MENT.

THE following message from the President of the United States was, on the 10th of August, 1789, communicated to the two houses of Congress, respectively:—

1789.

H. Journal,  
p. 76.

“Gentlemen of the Senate—[House of Representatives:—]

Message of  
President.

“I have directed a statement of the troops in the service of the United States, to be laid before you for your information.

S. Journal,  
p. 56.

“These troops were raised by virtue of the resolves of Congress of the 20th of October, 1786, and the 3d of October, 1787, in order to protect the frontiers from the depredations of the hostile Indians; to prevent all intrusions on the public lands; and to facilitate the surveying and selling of the same, for the purpose of reducing the public debt.

“As these important objects continue to require the aid of the troops, it is necessary that the establishment thereof should, in all respects, be conformed by law to the Constitution of the United States.

“G. WASHINGTON.

“New York, August 10, 1789.

“*A Statement of the Troops in the Service of the United States.*

“The establishment, as directed to be raised and organized by the act of Congress, of the 3d of October, 1787; to wit:

Statement  
of troops in  
service.

“One regiment of infantry, consisting of 1 lieutenant colonel commandant, 2 majors, 7 captains, 7 lieutenants, 8 ensigns, 1 surgeon, 4 mates:

Eight companies, each of which to consist of 4 sergeants,  
4 corporals, 2 musicians, and 60 privates, - - 560

“One battalion of artillery, consisting of 1 major, 4 captains, 8 lieutenants, 1 surgeon's mate:

Four companies, each of which to consist of 4 sergeants,  
4 corporals, 2 musicians, and 60 privates, - - 280

“Non-commissioned officers and privates, - - - 840

1st Congress.  
1st Session.

Statement  
of troops in  
service.

"That the pay of the troops was fixed by the act of Congress of the 12th of April, 1785, and confirmed by the acts of the 20th of October, 1786, and the 3d of October, 1787; to wit:

|                                     |                       |
|-------------------------------------|-----------------------|
| " Lieutenant colonel commandant, at | 50 dollars per month. |
| " Major, - - - -                    | 45 do.                |
| " Captain, - - - -                  | 35 do.                |
| " Lieutenant, - - - -               | 26 do.                |
| " Ensign, - - - -                   | 20 do.                |
| " Surgeon, - - - -                  | 45 do.                |
| " Mate, - - - -                     | 30 do.                |
| " Sergeants, - - - -                | 6 do.                 |
| " Corporals, - - - -                | 5 do.                 |
| " Musicians, - - - -                | 5 do.                 |
| " Privates, - - - -                 | 4 do.                 |

"That the subsistence to the officers, in lieu of rations, are the same as during the late war; to wit:

|                                     |                      |
|-------------------------------------|----------------------|
| " Lieutenant colonel commandant, at | — dollars per month. |
| " Major, - - - -                    | 20 do.               |
| " Captain, - - - -                  | 12 do.               |
| " Lieutenant, - - - -               | 8 do.                |
| " Ensign, - - - -                   | 8 do.                |
| " Surgeon, - - - -                  | 16 do.               |
| " Mate, - - - -                     | 8 do.                |

"That lieutenants, acting as adjutant, quarter master, and pay master, are allowed, by the act of Congress, of the 12th of April, 1785, for their extra duty, ten dollars per month.

"That the allowance of forage is as follows: 3 majors, each 12 dollars per month; 1 surgeon, 6 dollars per month; 3 regimental staff, each 6 dollars per month.

"That by the act of Congress, of the 31st of July, 1787, lieutenant colonel commandant Harmar was promoted to the rank of brigadier general, by brevet, with an allowance of the emoluments, but not the pay of said rank.

"That the emoluments are as follows; namely: Subsistence, 64 dollars per month; forage, 18 dollars per month.

"That each non-commissioned officer and soldier is allowed, annually, one suit of uniform clothes, as follows:—

|                       |                |                      |
|-----------------------|----------------|----------------------|
| "1 coat,              | 1 hat,         | 1 stock,             |
| "1 vest, [alls,       | 4 shirts,      | 1 stock clasp,       |
| "2pairs woollen over- | 4 pairs shoes, | 1 pair shoe buckles, |
| "2 pairs linen do.    | 4 pairs socks, | 1 blanket.           |

"That each non-commissioned officer and soldier is also allowed one ration per day, to consist of the following articles:—

## CHAP. V.

## National Defence—Military Establishment.

1789.

|                               |                                |                      |                                |
|-------------------------------|--------------------------------|----------------------|--------------------------------|
| 1st Congress.<br>1st Session. | "1 pound of bread or flour,    | 1 quart of salt,     | } To every hundred<br>rations. |
|                               | "1 pound of beef, or           | 2 quarts of vinegar, |                                |
|                               | " $\frac{3}{4}$ pound of pork, | 2 pounds of soap,    |                                |
|                               | "1 gill of common rum,         | 1 pound of candles,  |                                |

"That the troops in actual service are as follow:—

Statement  
of troops in  
service.

"Two companies of artillery, raised by virtue of the acts of Congress, of the 20th of October, 1786, and continued by the act of Congress of the 9th of April, 1787, one of which is stationed at the arsenal at West Point, on Hudson's river, and the other at the arsenal at Springfield, on Connecticut river, 76

"Troops stationed on the frontier, as follow:—

"At the various posts north-west of the river Ohio, - 596

672

"Wanting to complete the establishment, - - 168

"Non-commissioned officers and privates, - - 840

"That all the troops are enlisted for three years.

"That the engagements of the two companies of artillery, at West Point and Springfield, will expire in the beginning of the year 1790.

"That, of the troops on the frontiers, enlisted by virtue of the acts of Congress of the 3d of October, 1787, 528 non-commissioned officers and privates will have to serve, generally, to the middle of the year 1791; and two companies, consisting of 68 non-commissioned officers and privates, until towards the month of May, 1792.

"That the change in the government of the United States will require that the articles of war be revised and adapted to the Constitution.

"That the oaths necessary to be taken by the troops be prescribed, and, also, the form of the commissions which are to be issued to the officers.

"All which is humbly submitted to the President of the United States.

"H. KNOX.

"War Office, August 8th, 1789."

Message  
committed.

This message and statement were, on the 11th, ordered by the H. Journal, House of Representatives to be referred to a committee of the P. 77. whole house on the state of the Union.

Motion also  
committed.

The following motion was also, on the same day, committed id. p. 78. to the same committee:—

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*“Resolved—That, in case of refusal of the Creek Indians to treat, or, on treaty, to agree to such articles and terms, as to the commissioners, to be appointed, shall appear necessary and just, the President of the United States shall be, and he is hereby, authorized to raise, or cause to be raised, such number of troops, in the pay and establishment of the United States, or to call forth and embody such proportion of the militia of the states of South Carolina and Georgia, as will secure and protect, by such proper posts as he may think necessary, the inhabitants of the state of Georgia from the invasion and further inroads of the Creek Indians: *Provided—That the whole number of men so to be raised in the establishment of the United States, shall not exceed ———, nor be continued for a longer term than ———: And provided, also—That the whole number of the militia, so to be called forth and embodied, shall not exceed ———; nor shall any one person be obliged to serve more than ———; and the said militia, when in actual service, shall be entitled to the pay and emoluments of the troops of the United States.*”*

Committee  
of the  
whole dis-  
charged.

On the 9th of September, a motion was made and agreed to, that the committee of the whole house on the state of the Union, be discharged from further proceeding on the message from the President of the United States of the 10th *ultimo*, and that the said message be referred to Mr. Boudinot, Mr. Trumbull, and Mr. Burke; that they do examine the matter thereof, and report the same, with their opinion thereupon, to the house.

H. Journal,  
p. 105.

Select com-  
mittee.

On the 16th of September, the following message was transmitted by the President of the United States to the two houses of Congress:—

S. Journal,  
p. 81.  
H. Journal,  
p. 112.

*“Gentlemen of the Senate—[House of Representatives:]—*

Message of  
President.

*“The governor of the western territory has made a statement to me of the reciprocal hostilities of the Wabash Indians, and the people inhabiting the frontiers bordering on the river Ohio, which I herewith lay before Congress.*

*“The United States, in Congress assembled, by their acts of the 21st day of July, 1787, and of the 12th of August, 1788, made a provisional arrangement for calling forth the militia of Virginia and Pennsylvania, in the proportions therein specified.*

*“As the circumstances which occasioned the said arrangement continue nearly the same, I think proper to suggest to your consideration the expediency of making some temporary provision for calling forth the militia of the United States for the*

## CHAP. V.

## National Defence—Military Establishment.

1790.

1st Congress.  
1st Session.

purposes stated in the Constitution, which would embrace the cases apprehended by the governor of the western territory.

“GEO. WASHINGTON.

“September 16, 1789.”

Bill to recognise and adapt military establishment to the constitution.

This message was also referred to Messrs. Boudinot, Trumbull, and Burke. And on the 17th, Mr. Boudinot, from this committee, presented a bill to recognise and adapt to the Constitution of the United States, the establishment of the troops raised under the resolves of the United States, in Congress assembled, and for other purposes therein mentioned, which was read the first and second time, and committed to a committee of the whole House. The bill was considered in committee on the 22d, and several amendments were reported, which were agreed to by the House, and the bill was then ordered to the third reading; and on the following day, the blanks having been filled up, the bill was read the third time and passed. In the Senate, the bill received the first reading on the 23d of September, was read the second time on the 26th, and was committed to Messrs. Read, Butler, King, Ellsworth, and Morris. Mr. Read, on the 28th, reported amendments to the bill, and the bill was then read the third time and passed, so amended as to conform to the report of the committee. On the same day, the House of Representatives proceeded to consider these amendments, when it was resolved to agree to the first, second, third, fourth, fifth, and sixth amendments; and, on motion to agree to the last amendment of the Senate, it was decided in the negative, by the following vote:—

Passed by House.

Amended by Senate.

House disagreed.

*Ayes*—Messrs. Benson, Carroll, Clymer, Foster, Gilman, Lawrence, Lee, Madison, jr., Partridge, Sherman, Silvester, Smith, of Maryland, Stone, Thatcher, Trumbull, Wadsworth.—16.

*Noes*—Messrs. Baldwin, Bland, Boudinot, Burke, Cadwalader, Coles, Contee, Fitzsimons, Floyd, Gerry, Heister, Jackson, Leonard, Livermore, Mathews, Moore, Muhlenberg, Van Rensselaer, Schureman, Scott, Seney, Sinnickson, Sumpter, Tucker, White.—25.

Senate insist.  
House recede.

So that the House disagreed to the seventh amendment. The Senate then determined to insist on this amendment; on which the House of Representatives resolved to recede from their disagreement.

2d Session.

On the 12th of January, the following message was transmitted, by the President of the United States, to the two houses of Congress:—

1790.

Congress.  
Session.

message of  
President.

*"Gentlemen of the Senate, and House of Representatives :—*

*"I lay before you a statement of the south-western frontiers, and of the Indian department, which have been submitted to me by the secretary for the department of war.*

*"I conceive, that an unreserved, but confidential communication of all the papers relative to the recent negotiations with some of the southern tribes of Indians, is indispensably requisite for the information of Congress. I am persuaded, that they will effectually prevent either transcripts or publications of all such circumstances as might be injurious to the public interests.*

S. Journal,  
p. 105.

*"G. WASHINGTON.*

*"United States, January 12, 1790."*

In the House of Representatives, this message and statement were referred to a committee of five, consisting of Messrs. Wadsworth, Brown, Boudinot, Burke, and Baldwin. And on the following day, Messrs. Livermore, Ames, Lawrance, Scott, and Smith, of Maryland, were added to this committee. Mr. Wadsworth, on the 20th of January, made a report, which was taken up on the 21st, considered in committee of the whole, and reported without amendment. On the 1st of March, a further communication on this subject, from the President of the United States, was laid on the table of the House of Representatives. There is no further statement of the proceeding on these messages spread on the public Journal of the House of Representatives; but it appears from the Senate Journal, that on the 26th of March, the following message was received in that body from the House of Representatives :—

H. Journal,  
p. 140.

Id. p. 143,  
144.

Id. p. 165.

S. Journal,  
p. 124.

*"Mr. President :—The House of Representatives have had under consideration, the confidential communications from the President of the United States, of the 12th of January, to the Senate and House of Representatives, and have passed a bill upon that subject, to which they request the concurrence of the Senate."*

bill to re-  
late mi-  
itary esta-  
blishment.

It was then ordered, that the bill, entitled "An act for regulating the military establishment of the United States," have the first reading at this time. On the 29th and 30th, the Senate were occupied on the question of the second reading of the bill, when it was committed to Messrs. Few, Ellsworth, Butler, Schuyler, Carroll, Langdon, and Strong. Mr. Few reported on the 6th of April; and on the 20th, a further report was made, which was adopted as amendments to the bill, which was then

Id. p. 125.

## CHAP. V.

## National Defence—Military Establishment.

1790.

1st Congress.  
2d Session.

Bill passed.

ordered to the third reading; and on the 21st, the bill, as amended, was passed. The House of Representatives proceeded to consider these amendments on the 22d, and resolved to agree to all of them, with an amendment to the eighth amendment to the fifth section of the bill, as follows:—

S. Journal,  
p. 130.  
Id. p. 133.

“In lieu of the word ‘eighteen,’ proposed to be inserted by the Senate, insert ‘twenty-four.’ On the same day, the Senate concurred in this amendment.

H. Journal,  
p. 198.  
S. Journal,  
p. 133.

2d Congress.  
1st Session.

ON the 20th of March, 1792, the following message was transmitted by the President of the United States to the two houses of Congress:—

1792.

“United States, March 20th, 1792.

“Gentlemen of the Senate, and of the House of Representatives:—

Message of  
President,  
as to a bri-  
gadier ge-  
neral.

“The several acts which have been passed, relatively to the military establishment of the United States, and the protection of the frontiers, do not appear to have made provision for more than one brigadier general. It is incumbent on me to observe, that, with a view merely to the organization of the troops designated by these acts, a greater number of officers of that grade would, in my opinion, be conducive to the good of the public service. But an increase of the number becomes still more desirable, in reference to a different organization, which is contemplated, pursuant to the authority vested in me for that purpose, and which, besides other advantages expected from it, is recommended by considerations of economy.

H. Journal,  
p. 541.  
S. Journal,  
p. 413.

“I therefore request that you will be pleased to take this subject into your early consideration, and to adopt such measures thereon as you may judge proper.

“G. WASHINGTON.”

In the Senate this message was referred to Messrs. Burr, Gordon, and Hawkins, to consider and report thereon; and, on the 22d, Mr. Burr, from the committee, reported a bill, supplemental to the act for making further and more effectual provision for the protection of the frontiers of the United States; which was then read the first time, and, on the following day, after being amended, the bill was read the third time, and passed.

Id. p. 414,  
415.

Bill passed.

On the same day, the bill was read the first and second time, in the House of Representatives, and was committed to a committee of the whole house. The bill was taken up in committee on the following day, and was reported with an amendment,

H. Journal,  
p. 545.

Id. p. 547.

2d Congress.  
1st Session.

which was agreed to; and the bill was then read the third time, and passed. On the 26th, the Senate concurred in the amendment of the House of Representatives.

S. Journal,  
p. 416.

Bill making provision for protection of frontiers.

The bill to which the above is the supplementary act, was reported to the House of Representatives, on the 25th of January, of the same year, from a committee charged with the subject, under the title of a bill for making further and more effectual provision for the protection of the frontiers of the United States, which was then read the first and second time, and was committed to a committee of the whole house. In committee, the bill was considered the 26th, 27th, and 30th, when several amendments were reported, some of which were adopted, and others were disagreed to. The bill being then under consideration, it was moved to amend the bill, by striking out the second section, which is as follows:—

H. Journal,  
p. 498.

Id. p. 499.

*“And be it further enacted—That there shall be raised three additional regiments of infantry, each of which, exclusively of the commissioned officers, shall consist of nine hundred and twelve non-commissioned officers, privates, and musicians.”*

And the question being put on this motion, it was decided in the negative by the following vote:—

*Ayes*—Messrs. Ashe, Boudinot, S. Bourne, B. Bourne, Gilman, Goodhue, Grove, Livermore, Macon, Niles, Parker, J. Smith, Steele, Sumpter, Thatcher, Ward, Williamson, Willis.—18.

*Noes*—Messrs. Ames, Baldwin, Barnwell, Benson, Brown, Dayton, Findley, Fitzsimons, Giles, Gregg, Hartley, Huger, Key, Kitchell, Kittera, Lawrance, Learned, Madison, Moore, Muhlenberg, Murray, Page, Schoonmaker, Seney, Wm. Smith, Sterrett, Sturges, Silvester, Tredwell, Tucker, Venable, Wadsworth, Wayne, White.—34.

On the 31st, the bill having been further amended, was ordered to the third reading; and, on the next day, the blanks having been filled up, the bill was read the third time, and the question on its passage was decided in the affirmative, as follows:—

Id. p. 500.

Passed by  
House.

*“Ayes*—Messrs. Ames, Baldwin, Barnwell, Benson, Brown, Clarke, Dayton, Findley, Fitzsimons, Giles, Hartley, Huger, Kitchell, Kittera, Learned, Madison, Moore, Muhlenberg, Murray, Page, Seney, Wm. Smith, Sterrett, Silvester, Tredwell, Tucker, Wadsworth, Wayne, White.—29.

*Noes*—Messrs. Ashe, S. Bourne, B. Bourne, Gilman, Goodhue, Gordon, Grove, Hillhouse, Jacobs, Macon, Niles, Parker,

2d Congress.  
1st Session.

Jere. Smith, I. Smith, Steele, Sumpter, Thatcher, Ward, Willis.—19.

The bill was then sent to the Senate, where it was read the first time on the 3d of February, and, under a temporary in-  
junction of secrecy, was printed in the form in which it had  
passed the House of Representatives, as follows:—

S. Journal,  
p. 384.

Bill as it  
passed the  
House.

*“Sect. 1. Be it enacted, by the Senate and House of Representatives of the United States of America, in Congress assembled—That the battalion of infantry, and two regiments of infantry, now in service, be completed in their numbers, according to the establishment.*

*“Sect. 2. And be it further enacted—That there shall be raised, for a term not exceeding three years, three additional regiments of infantry, each of which, exclusively of the commissioned officers, shall consist of nine hundred and twelve non-commissioned officers, privates, and musicians. And the President may employ as many of the said troops as riflemen as he shall think proper: Provided—That the said three regiments shall be discharged as soon as the United States shall be at peace with the Indian tribes.*

Id. p. 385.

*“Sect. 3. And be it further enacted—That the said additional regiments shall be organized in the same manner as the regiment of infantry described in the act, passed during the second session of the first Congress, entitled ‘An act for regulating the military establishment of the United States.’*

*“Sect. 4. And be it further enacted—That there shall be raised a squadron of light dragoons, which, exclusively of the commissioned officers, shall consist of three hundred and four non-commissioned officers, privates, and musicians, and that it shall be a condition, in their enlistments, to serve as infantry whenever they shall be ordered thereto. That the organization of the said squadron of light dragoons shall be as follows; namely: one major commandant, one adjutant, one quarter-master, one pay-master, one surgeon’s mate; and four troops, each of which shall consist of one captain, one lieutenant, one cornet, four sergeants, four corporals, one farrier, one saddler, one trumpeter, and sixty-five dragoons; and the said squadron shall be raised for a term not exceeding three years.*

*“Sect. 5. And be it further enacted—That the non-commissioned officers, privates, and musicians, of the said three regiments of infantry, and the squadron of light dragoons, shall be enlisted for the term of three years, unless previously discharged.*

3d Congress.  
1st Session.

Bill as it  
passed the  
House.

*"Sect. 6. And be it further enacted—*That every recruit, who shall be enlisted by virtue of this act, shall receive six dollars bounty, and that the same shall be made up to the non-commissioned officers, privates, and musicians, now in service, who have enlisted for three years, since the passing of the aforesaid act, entitled 'An act for regulating the military establishment of the United States.'

*"Sect. 7. And be it further enacted—*That the commissioned officers, who shall be employed to recruit for the establishment, shall be entitled to receive for every recruit, duly enlisted and mustered, two dollars.

*"Sect. 8. And be it further enacted—*That the monthly pay of the commissioned officers, non-commissioned officers, privates, and musicians, in the military establishment of the United States, and of the three regiments and squadrons of light dragoons, authorized by this act, shall be, in future, as follows, free of all deductions; to wit:—

*"General Staff.*—A major general, one hundred and sixty-six dollars; a brigadier general, one hundred and four dollars; quarter-master, one hundred dollars; adjutant, sixty dollars; inspector, fifty dollars; chaplain, fifty dollars; surgeon, seventy dollars; deputy quarter-master, fifty dollars; aide-de-camp, in addition to his pay in the line, twenty-four dollars; brigade major, in addition to his pay in the line, twenty-four dollars.

*"Regimental.*—Lieutenant colonel commandant, sixty dollars; majors commandant of dragoons and artillery, fifty-five dollars; pay-master, in addition to his pay in the line, ten dollars; quarter-master, in addition to his pay in the line, eight dollars; adjutant, in addition to his pay in the line, ten dollars; majors of infantry, fifty dollars; captains, fifty dollars; lieutenants, twenty-six dollars; ensigns and cornets, twenty dollars; surgeons, forty-five dollars; mates, thirty dollars; sergeant majors and quarter-master sergeants, eight dollars; senior musicians, seven dollars; sergeants, seven dollars; corporals, six dollars; privates, four dollars; musicians, four dollars; artificers, allowed to the light dragoons and artillery, and included as privates, eight dollars; matrons and nurses in the hospital, eight dollars.

*"Sect. 9. And be it further enacted—*That the rations, or money in lieu thereof, for the commissioned, non-commissioned officers, privates, and musicians, of the additional troops herein mentioned, shall be the same as described in the aforesaid act, entitled 'An act for regulating the military establishment of the United States,' and in the act passed in the third session of the

9d Congress.  
1st Session.

Bill as it  
passed the  
House.

first Congress, entitled 'An act for raising and adding another regiment to the military establishment of the United States, and for making further provision for the protection of the frontiers.'

"Sect. 10. *And be it further enacted*—That the forage to be allowed to the officers of the additional regiments authorized by this act, be the same as described by the acts before mentioned.

"Sect. 11. *And be it further enacted*—That the allowance of clothing for the non-commissioned officers and privates of the three regiments and squadrons aforesaid, shall be the same as is by law established. That suitable clothing be provided for the cavalry, and adapted to the nature of the service, and conformed as near as may be to the value of the clothing allowed the infantry and artillery. S. Journal,  
P. 386.

"Sect. 12. *And be it further enacted*—That all the commissioned and non-commissioned officers, privates, and musicians, of the three regiments and squadron, aforesaid, shall take the same oaths, shall be governed by the same rules and regulations, and, in cases of disabilities, shall receive the same compensations, as are described in the before-mentioned act, entitled 'An act for regulating the military establishment of the United States.'

"Sect. 13. *And be it further enacted*—That it shall be lawful for the President of the United States, to forbear to raise, or to discharge after they shall be raised, the whole or any part of the said three additional regiments of infantry, or the squadron of light dragoons, in case events shall, in his judgment, render his so doing consistent with the public safety.

"Sect. 14. And whereas, in case the forbearing to raise the whole, or some part of the said three additional regiments should be deemed not consistent with the public safety, it will still be desirable that all unnecessary expense should, as far as possible, be avoided; and to that end, that the officers for the same should only be appointed from time to time, as occasion may require: *Be it enacted*—That the President alone be authorized to make all such appointments as may not be required previously to the close of the present session of the Senate, and may become necessary before the next session of Congress.

"Sect. 15. *And be it further enacted*—That the President of the United States be, and he hereby is, authorized to engage, in lieu of the whole, or any part of the three regiments authorized by this act, or, in addition to the same, such number of infantry or cavalry as in his judgment the public service may require: *Provided*—That the entire number of non-commissioned officers and privates, including such part of the said regiments as may be



42d Congress.  
1st Session.

Bill as it  
passed the  
House.

raised and not discharged, shall not exceed six thousand: *And provided*—That the infantry and cavalry shall not be engaged for a longer term than nine months, nor be allowed, the infantry, more than twenty-five cents per day, nor the cavalry, each person engaged finding his own horse, arms, and accoutrements, and at his own risk, seventy-five cents per day, and twenty-five cents per day in lieu of rations and forage: provided he furnish himself therewith:—and the allowance to the non-commissioned officers, whether in the infantry or cavalry, shall not exceed, to those of the infantry, thirty-three cents and one-third of a cent per day, and to those of the cavalry, one dollar and twenty-five cents per day.

“*Sect. 16. And be it further enacted*—That the President alone be, and he hereby is, authorized to appoint, for the infantry and cavalry so to be engaged, the proper commissioned officers, who shall not exceed in number and rank the proportions assigned to the said three regiments and squadron, respectively; and whose pay, and other allowances, shall not exceed those of officers of corresponding rank in the said regiments and squadron.

“*Sect. 17. And be it further enacted*—That the President of the United States be authorized, in case he shall deem the measure expedient, to employ a number not exceeding one thousand, of Indians, belonging to the tribes in alliance with the United States, to act against the hostile Indians; and also to make them such compensations as he shall judge right, not exceeding twenty thousand dollars in the whole.”

Amended  
in Senate.

2d reading.

The question on the second reading of this bill caused a considerable discussion in the Senate, and occupied the 6th, 7th, 8th, and 9th of February, when a motion to postpone the second reading was decided in the negative. It was then moved to expunge the second section; and the question being put, this motion was decided in the affirmative, by the following vote:—

*Yeas*—Messrs. Bradley, Butler, Few, Foster, Gunn, Hawkins, Lee, Monroc, Robinson, Sherman, Stanton, Strong, Wingate. —13.

*Nays*—Messrs. Bassett, Cabot, Carroll, Dickinson, Ellsworth, Henry, Izard, Johnston, Langdon, Morris, Read, Rutherford. —12.

Commit-  
ted.

The bill was then referred to Messrs. Strong, Gunn, Monroc, Bradley, and Ellsworth, to consider and report generally thereon. Mr. Strong, on the 15th, reported the bill in an amended form. On the following day, it was moved to postpone the re-

S. Journal,  
p. 387.

Id. p. 388.

Id. p. 392.

2d Congress.  
1st Session.

port of the committee, so far as to take into consideration the proposed amendment to the 15th section; but the motion was rejected. A motion was then made to postpone the report, and to reconsider the second section of the bill which had been rejected. After some discussion of this motion, the further consideration of the bill was postponed until the next day; and, on the day following, a motion to adopt the second section was agreed to, as follows:—

S. Journal,  
p. 393.

*Yeas*—Messrs. Bassett, Burr, Cabot, Carroll, Dickinson, Ellsworth, Hawkins, Henry, Izard, Johnston, King, Langdon, Morris, Read, Rutherford.—15.

*Nays*—Messrs. Bradley, Butler, Few, Foster, Gunn, Lee, Monroe, Robinson, Sherman, Stanton, Strong, Wingate.—12.

Recommi-  
ted.

The Senate then resumed the consideration of the report of the committee, and rejected so much of it as proposed to expunge the third section of the bill. The bill was then, after further discussion, referred to Messrs. Burr, Hawkins, Read, Ellsworth, and Gunn, with the amendments reported by the committee, together with the motions made thereon. On the 21st, Id. p. 394.

Motions to  
amend.

Mr. Hawkins, from this committee, reported amendments, which, on the next day, were agreed to; and the bill was ordered to the third reading. The bill was read the third time, on the 23d of February, when a motion was made to expunge the last section of the bill, as it was amended: to wit:—

*“Sect. — And be it further enacted—That the President of the United States be authorized, in case he shall deem the measure expedient, to employ such number of the Indians, and for such compensations, as he may think proper: Provided, the said compensations do not, in the whole, exceed twenty thousand dollars.”*

The question on this motion was decided in the negative, as follows:—

*Yeas*—Messrs. Bassett, Bradley, Monroe, Robinson, Rutherford, Sherman, Strong, Wingate.—8.

*Nays*—Messrs. Burr, Cabot, Carroll, Dickinson, Ellsworth, Few, Foster, Gunn, Hawkins, Henry, Izard, Johnston, King, Langdon, Lee, Morris, Read, Stanton.—18.

Mr. Butler was excused from voting on the question.

It was then moved to amend this section, so that it should read as follows:—

*“And be it further enacted—That the President of the United States be authorized to distribute such sums as he may think*

2d Congress.  
1st Session.

Motions to  
amend.

proper, among the Indians in alliance with the United States, not exceeding twenty thousand dollars in the whole."

And this motion was determined in the negative.

It was then moved to reduce the number of each regiment to nine hundred and twelve non-commissioned officers, privates, and musicians, instead of nine hundred and sixty, as reported by the committee; and this motion was decided in the negative, by the following vote:—

*Yeas*—Messrs. Burr, Cabot, Few, Rutherford, Sherman, Stanton, Strong, Wingate.—8.

*Nays*—Messrs. Bassett, Bradley, Carroll, Dickinson, Ellsworth, Foster, Gunn, Hawkins, Henry, Izard, Johnston, King, Langdon, Lee, Monroe, Morris, Read, Robinson.—18.

Mr. Butler was also excused from voting on this question.

It was then moved to expunge the second section of the bill, and substitute as follows:—

"*Sect. — And be it further enacted*—That the President of the United States be, and he hereby is, authorized to engage such number of expert woodsmen, to serve as infantry or cavalry, as, in his judgment, the public service may require: *Provided*—That the entire number of non-commissioned officers and privates shall not exceed two thousand: *And provided*—That the infantry and cavalry shall not be engaged for a longer time than ten months, nor be allowed, the infantry more than twenty-five cents per day, nor the cavalry, each person engaged finding his own horse, arms, and accoutrements, and at his own risk, seventy-five cents per day, and twenty-five cents per day, in lieu of rations and forage, provided he furnish himself therewith; and the allowance to the non-commissioned officers, whether in the infantry or cavalry, shall not exceed, to those of the infantry thirty-three cents and one-third of a cent per day, and to those of the cavalry one dollar and twenty-five cents per day."

S. Jour  
p. 395.

And the question on this motion was decided in the negative, as follows:—

*Yeas*—Messrs. Bradley, Butler, Few, Foster, Gunn, Lee, Monroe, Robinson, Sherman, Stanton, Strong, Wingate.—12.

*Nays*—Messrs. Bassett, Burr, Cabot, Carroll, Dickinson, Ellsworth, Hawkins, Henry, Izard, Johnston, King, Langdon, Morris, Read, Rutherford.—15.

The question on the passage of the bill, as amended, was then decided in the affirmative, by the following vote:—

2d Congress.  
1st Session.

Bill passed.

*Yeas*—Messrs. Bassett, Burr, Cabot, Carroll, Dickinson, Ellsworth, Gunn, Hawkins, Henry, Izard, Johnston, King, Langdon, Morris, Read, Rutherford.—16.

*Nays*—Messrs. Bradley, Butler, Few, Foster, Lee, Monroe, Robinson, Sherman, Stanton, Strong, Wingate.—11.

The amendments of the Senate are as follow:—

Amend-  
ments of  
the Senate.

“*Section 1.* Expunge from *lines 2 and 3*, these words: ‘and two regiments of infantry.’ *Line 3.* Strike out ‘in their numbers,’ and, at the end of the same section, add, ‘and that the two regiments of infantry, now in service, be completed to the number of nine hundred and sixty non-commissioned officers, privates, and musicians, each.’

“*Section 2.* Strike out, after the word ‘regiments,’ *2d line*, to the word ‘provided,’ in the *5th line*, and insert ‘each of which, exclusively of the commissioned officers, shall consist of nine hundred and sixty non-commissioned officers, privates, and musicians; and that one of the said regiments be organized in the following manner, that is to say: two battalions of infantry, each of which, exclusively of the commissioned officers, shall consist of three hundred and twenty non-commissioned officers, privates, and musicians; and one squadron of light dragoons, which, exclusively of the commissioned officers, shall consist of three hundred and twenty non-commissioned officers, privates, and musicians; and that it shall be a condition in the enlistment of the said dragoons, to serve as dismounted dragoons, whenever they shall be ordered thereto; that the organization of the said squadron of light dragoons shall be as follows; namely: one major, one adjutant, one quarter master, one surgeon’s mate, and four troops, each of which shall consist of one captain, one lieutenant, one cornet, four sergeants, four corporals, one farrier, one saddler, one trumpeter, and sixty-nine dragoons; and the President may arm the said troops as he shall think proper; and that the said regiments shall be otherwise organized, as the regiment of infantry described in an act, passed the second session of the first Congress, entitled ‘An act for regulating the military establishment of the United States:’ *Provided*—That the said three regiments shall be discharged as soon as the United States shall be at peace with the Indian tribes.’

“Strike out the 3d and 4th sections.

“*Sect. 5, line 2, 3.* Strike out ‘of infantry, and the squadron of light dragoons.’

“*Sect. 6, line 2.* Strike out ‘six,’ and insert ‘eight.’

3d Congress.  
1st Session.]

Amend-  
ments of  
Senate.

"*Sect. 8, lines 3 and 4.* After 'regiments,' strike out 'and squadron of light dragoons.' *Line 6.* Strike out before the word 'brigadier' the letter 's,' and to the word 'brigadier,' add the letter 'g.' *Line 7.* After 'dollars,' insert 'each.' *Line 8.* Strike out 'adjutant, sixty dollars; inspector, fifty dollars,' and insert 'adjutant, to do also the duty of an inspector, seventy-five dollars.' *Line 10.* After the word 'major,' insert 'to act also as deputy inspector.' *Line 10.* At the end thereof, add 'principal artificer, forty dollars; second ditto, twenty-six dollars.' *Line 12.* Strike out 'sixty,' and insert 'seventy-five.' *Lines 12 and 13.* Strike out 'majors commandant of dragoons and artillery,' and insert 'major commandant of artillery, and major of dragoons.' *Line 18.* Strike out 'eight,' and insert 'seven,' and for 'seven,' insert 'six.' *Line 19.* For 'seven,' insert 'six,' and for 'six,' insert 'five.' *Line 19.* For 'four,' insert 'three.' And *Line 20.* After the word 'the,' insert the word 'infantry.'

"*Sect. 11, line 2.* After the word 'the,' insert 'infantry of S. Jour-  
the said.' *Line 2,* strike out the words 'and squadron afore-  
said.' P. 396.

"*Sect. 12, line 2.* Before the word 'three,' insert 'said,' and in the same line, strike out the words 'and squadron aforesaid.'

"*Sect. 13, lines 3 and 4.* Strike out 'of infantry, or the squadron of light dragoons.'

"Strike out the 14th section.

"*Sect. 15, line 3.* Strike out the words 'or in addition to the same.' *Line 4,* strike out the words 'infantry or.' Strike out from the word 'require,' in the said line, to the end of the section, and insert as follows, 'who shall not be engaged for a longer term than nine months, nor be allowed, the non-commissioned officers, more than one dollar per day, nor the privates more than seventy-five cents per day, each person finding his horse, arms, and accoutrements, at his own risk, and twenty-five cents per day in lieu of rations and forage, provided he furnish himself therewith.'

"*Sect. 16, line 2.* Strike out the words 'infantry and.' *4th line,* strike out the words 'and squadron respectively.' *Line 5,* after the word 'not,' insert 'exclusively of fifty cents per day, for the use and risk of their horses.' *Line 6,* strike out the words 'and squadron.'

"*Sect. 17, line 2.* Strike out, after the word 'employ,' to the end of the section, and insert 'such number of the Indians, and for such compensations, as he may think proper; provided the

2d Congress.  
1st Session.

said compensations do not, in the whole, exceed twenty thousand dollars.’

“Number the sections in conformity to the amendments.”

Correction  
of an error.

The amendments having been sent to the House of Representatives, they were there taken up for consideration on the 24th, when a mistake therein was suggested, and some debate ensued, which was interrupted by a message from the Senate, informing the House that an error being discovered in the transcript of the amendments, it was requested that the bill and amendments should be returned to the Senate for the purpose of having the error rectified. It was then determined that the clerk of the House should go with the bill to the Senate, and the mistake having been rectified by the Senate, it was returned to the House by the secretary of the Senate. The amendments were considered by the House on the 25th, when some were concurred in, and others disagreed to. On the 27th, the Senate proceeded to consider the resolutions of the House of Representatives; to wit:—

H. Journal,  
p. 520.

S. Journal,  
p. 397.

H. Journal,  
p. 521.

S. Journal,  
p. 397.

Resolutions  
of House.

“That they agree to the following amendments of the Senate, with amendments; to wit:—

Id. p. 398.

“In the amendment to the second section, strike out the last paragraph in the clause proposed to be inserted by the Senate, in these words; to wit:—

“And that the said regiments shall be otherwise organized, as the regiment of infantry described in an act passed the second session of the first Congress, entitled ‘An act for regulating the military establishment of the United States.’”

“And in lieu thereof, insert,

“*Provided always, and be it enacted*—That it shall be lawful for the President of the United States, to organize the said five regiments of infantry, and the said corps of horse and artillery, as he shall judge expedient, diminishing the number of corps, or taking from one corps and adding to another, as shall appear to him proper, so that the whole number of officers and men shall not exceed the limits above prescribed.

“In the thirteenth amendment to the eighth section, after the words ‘three dollars,’ for the pay of the privates, insert,

“‘And at the rate of one dollar per month, to be paid according to the accumulated amount, at the time of discharge, to each soldier respectively; or, in case of death in the service, according to the amount then accumulated, to be paid to his widow, if any; if not, to his next of kin, in equal degree, which reserved pay shall not be assignable.’”

## CHAP. V.

## National Defence—Military Establishment.

1

2d Congress.  
1st Session.Amend-  
ments of  
Senate.

"Sect. 8, lines 3 and 4. After 'regiments,' strike 'the  
dron of light dragoons.' Line 6. Strike out be-  
gadier the letter 's,' and to the word 'brig-  
's.' Line 7. After 'dollars,' insert 'each'

'adjutant, sixty dollars; inspector, fifty-  
eight section.  
tant, to do also the duty of an in-  
th and fifteenth sec-  
Line 10. After the word 'major'

inspector.' Line 10. At the e-  
sixteenth section.  
forty dollars; second ditto. Amendments of the said bill."

out 'sixty,' and insert '  
out 'majors commands' resolutions, the Senate determined to  
'major commands' amendment to their amendment of the second sec-

18. Strike out '  
to the amendment of their thirteenth amend-  
sert 'six.' Li

'five.' L  
to the eighth section, and to the amendment of their  
the word amendments of the sixteenth section; and to insist on their

the amendments to the sixth section, on all their amendments to the  
fourteenth and fifteenth sections, and on their first amendment  
to the sixteenth section.

The Senate resolved to recede from their second and third  
amendments to the eighth section of the bill.

In the House of Representatives, the consideration of these H. J.  
amendments was resumed on the 28th, when it was resolved by P. 52

the House to recede from their amendment to the thirteenth  
amendment proposed by the Senate to the eighth section of the

bill, and to agree to the said thirteenth amendment without  
amendment; also, to recede from their disagreement to the

amendment proposed by the Senate to the sixth section. On all  
their other disagreements to the amendments of the Senate, as

well as on their amendment to the third amendment proposed by  
the Senate to the sixteenth section, to which the Senate had dis-

agreed, the House determined to insist. The House also re-  
solved to desire a conference with the Senate, on the subject of S. J.  
the disagreeing votes, and appointed Messrs. Sedgwick, Wil- P. 39

liamson, White, Dayton, and Brown, to be their managers. The  
Senate, having agreed to the proposition for a conference, ap-

pointed Messrs. Ellsworth, Butler, and King, to be managers on  
the part of the Senate. Pending the consideration of these

amendments in the House, on the question that the House insist  
on their disagreement to the amendment of the Senate, to strike

out the fourteenth section of the bill, the ayes and noes being  
required, the decision was as follows:—

Ayes—Messrs. Ames, Ashe, Baldwin, Barnwell, Boudinot, H. J.  
S. Bourne, B. Bourne, Brown, Clarke, Dayton, Gerry, Gilman, P. 52

Goodhue, Gregg, Grove, Hillhouse, Hugger, Key, Kitchell,

House in-  
sist and ask  
confer-  
ence.

Learned, Macon, Madison, Moore, Muhlenberg, Murray, Niles, Paine, Parker, Schoonmaker, Sedgwick, Seney, Jere. Smith, Smith, Steele, Sterrett, Sturges, Sumpter, Silvester, Thad. Wadsworth, Ward, White, Williamson.—43.

—Messrs. Benson, Fitzsimons, Hartley, Heister, Livermore, Smith, Tredwell, Wayne, Willis.—9.

He was subsequently appointed a manager of the conference on the part of the House, in the room of Mr. Peyton, who was incapacitated by indisposition. On the 1st of March, Mr. Sedgwick made a report to the House, which was considered, and the House adopted the following resolutions:—

*“Resolved—That this House doth recede from their disagreement to the amendment of the Senate for striking out the fourteenth section of the said bill: also, that this House doth recede from their disagreement to the amendments of the Senate to the sixteenth section, and doth agree to the said several amendments without amendment.*

*“Resolved—That this House doth agree to an amendment and modification of the fifteenth section, to read as followeth:—*

*“And be it further enacted—That the President be, and he hereby is, authorized, from time to time, to call into service, and for such periods as he may deem requisite, such number of cavalry as, in his judgment, may be necessary for the protection of the frontiers: Provided—That the non-commissioned officers shall not be allowed more than one dollar per day, nor the privates more than seventy-five cents per day; each person finding his horse, arms, and accoutrements, and at his own risk, and twenty-five cents per day, in lieu of rations and forage: provided he furnish himself therewith.”*

Report,  
and agree-  
ment of the  
two houses.

Mr. Ellsworth, on the 2d, made a report to the Senate from the managers on the part of the House, and the Senate then adopted the report of the managers, and concurred with the House of Representatives in their resolutions. S. Journal,  
p. 402.

2d Session.

On the 28th of December, 1792, being the second session of the second Congress, a motion was submitted that the House of Representatives come to the following resolution:—

Proposi-  
tion to re-  
duce mili-  
tary es-  
tablish-  
ment.

*“Resolved—That a committee be appointed to prepare and bring in a bill to reduce the military establishment of the United States to ——— regiments, or corps, consisting each of ——— non-commissioned officers, privates, and musicians, with such proportion of commissioned officers as the President may think* H. Journal,  
p. 637.



2d Congress.  
1st Session.

Resolu-  
tions of  
House.

"In the third amendment to the sixteenth section, after the word 'exclusively,' insert 'to the officers of the cavalry.'

"They disagree to the following amendments; to wit:—

"To the amendment to the sixth section.

"To the second and third amendments to the eighth section.

"To all the amendments to the fourteenth and fifteenth sections; and

"To the first amendment to the sixteenth section.

"And agree to all the other amendments of the said bill."

After considering these resolutions, the Senate determined to agree to the amendment to their amendment of the second section; to disagree to the amendment of their thirteenth amendment of the eighth section, and to the amendment of their third amendment of the sixteenth section; and to insist on their amendments to the sixth section, on all their amendments to the fourteenth and fifteenth sections, and on their first amendment to the sixteenth section.

Senate re-  
cede in  
part.

The Senate resolved to recede from their second and third amendments to the eighth section of the bill.

In the House of Representatives, the consideration of these amendments was resumed on the 28th, when it was resolved by the House to recede from their amendment to the thirteenth amendment proposed by the Senate to the eighth section of the bill, and to agree to the said thirteenth amendment without amendment; also, to recede from their disagreement to the amendment proposed by the Senate to the sixth section. On all their other disagreements to the amendments of the Senate, as well as on their amendment to the third amendment proposed by the Senate to the sixteenth section, to which the Senate had disagreed, the House determined to insist. The House also resolved to desire a conference with the Senate, on the subject of the disagreeing votes, and appointed Messrs. Sedgwick, Williamson, White, Dayton, and Brown, to be their managers. The Senate, having agreed to the proposition for a conference, appointed Messrs. Ellsworth, Butler, and King, to be managers on the part of the Senate. Pending the consideration of these amendments in the House, on the question that the House insist on their disagreement to the amendment of the Senate, to strike out the fourteenth section of the bill, the ayes and noes being required, the decision was as follows:—

House in-  
sist and ask  
confer-  
ence.

H. Journal,  
p. 522.

S. Journal,  
p. 399.

*Ayes*—Messrs. Ames, Ashe, Baldwin, Barnwell, Boudinot, S. Bourne, B. Bourne, Brown, Clarke, Dayton, Gerry, Gilman, Goodhue, Gregg, Grove, Hillhouse, Huger, Key, Kitchell, H. Journal, p. 522, 523.

2d Congress.  
1st Session.

Learned, Macon, Madison, Moore, Muhlenberg, Murray, Niles, Page, Parker, Schoonmaker, Sedgwick, Seney, Jere. Smith, Wm. Smith, Steele, Sterrett, Sturges, Sumpter, Silvester, Thatcher, Wadsworth, Ward, White, Williamson.—43.

*Noes*—Messrs. Benson, Fitzsimons, Hartley, Heister, Livermore, I. Smith, Tredwell, Wayne, Willis.—9.

Mr. Steele was subsequently appointed a manager of the proposed conference on the part of the House, in the room of Mr. Dayton, who was incapacitated by indisposition. On the 1st of March, Mr. Sedgwick made a report to the House, which was considered, and the House adopted the following resolutions:—

*“Resolved*—That this House doth recede from their disagreement to the amendment of the Senate for striking out the fourteenth section of the said bill: also, that this House doth recede from their disagreement to the amendments of the Senate to the sixteenth section, and doth agree to the said several amendments without amendment.

*“Resolved*—That this House doth agree to an amendment and modification of the fifteenth section, to read as followeth:—

*“And be it further enacted*—That the President be, and he hereby is, authorized, from time to time, to call into service, and for such periods as he may deem requisite, such number of cavalry as, in his judgment, may be necessary for the protection of the frontiers: *Provided*—That the non-commissioned officers shall not be allowed more than one dollar per day, nor the privates more than seventy-five cents per day; each person finding his horse, arms, and accoutrements, and at his own risk, and twenty-five cents per day, in lieu of rations and forage: provided he furnish himself therewith.”

Report,  
and agree-  
ment of the  
two houses.

Mr. Ellsworth, on the 2d, made a report to the Senate from the managers on the part of the House, and the Senate then adopted the report of the managers, and concurred with the House of Representatives in their resolutions. S. Journal,  
p. 402.

2d Session.

On the 28th of December, 1792, being the second session of the second Congress, a motion was submitted that the House of Representatives come to the following resolution:—

Proposi-  
tion to re-  
duce mili-  
tary es-  
tablish-  
ment.

*“Resolved*—That a committee be appointed to prepare and bring in a bill to reduce the military establishment of the United States to ——— regiments, or corps, consisting each of ——— non-commissioned officers, privates, and musicians, with such proportion of commissioned officers as the President may think H. Journal,  
p. 637.

## CHAP. V.

## National Defence—Military Establishment.

1793-93.

2d Congress.  
2d Session.

proper to continue in service; and to repeal so much of an act, passed the 5th of March, 1792, entitled 'An act for making further and more effectual provision for the protection of the frontiers of the United States,' as may contravene this intention."

H. Journal,  
p. 661, 662.

This motion was committed to a committee of the whole house, and, on the 2d, 3d, and 5th of January, 1793, that committee had the motion under consideration, and reported their disagreement to the same. On the 8th, the House took up the subject. A mo-

Id. p. 663.

Id. p. 664.

Motion to  
amend.

tion was then made to amend the motion, by striking out, in the second and third lines, the words "each of ——— non-commissioned officers, privates, and musicians," and inserting, in lieu thereof, the words "of ——— non-commissioned officers, musicians, and ——— privates, who are now in service, or may be recruited before the ——— day of ——— next." The ques-

Rejected.

tion on this motion was decided in the negative, by the following vote:—

*Ayes*—Messrs. Ashe, Clarke, Gerry, Giles, Gilman, Goodhue, Greenup, Grove, Lee, Leonard, Livermore, Macon, Madison, Mercer, Moore, Niles, Orr, Parker, Jere. Smith, Steele, Sumpter, Tredwell, Tucker, Venable, Ward, Williamson.—26.

*Noes*—Messrs. Ames, Baldwin, Barnwell, Benson, Boudinot, S. Bourne, B. Bourne, Dayton, Findley, Fitzsimons, Gregg, Hartley, Heister, Hillhouse, Huger, Kitchell, Kittera, Lawrance, Milledge, Muhlenberg, Murray, Schoonmaker, Sedgwick, Silvester, J. Smith, Wm. Smith, Sterrett, Sturges, Thatcher, Wadsworth, White, Willis.—32.

Motion re-  
jected.

The main question, that the House agree to the said motion, was then put, and decided in the negative by the following vote:

Id. p. 665.

*Ayes*—Messrs. Ashe, Clarke, Giles, Gilman, Goodhue, Greenup, Grove, Leonard, Livermore, Macon, Mercer, Niles, Orr, Parker, Jere. Smith, Steele, Sumpter, Tredwell, Venable, Ward.—20.

*Noes*—Messrs. Ames, Baldwin, Barnwell, Benson, Boudinot, S. Bourne, B. Bourne, Dayton, Findley, Fitzsimons, Gerry, Gregg, Hartley, Hillhouse, Huger, Kitchell, Kittera, Lawrance, Lee, Milledge, Moore, Muhlenberg, Murray, Schoonmaker, Sedgwick, Silvester, J. Smith, Wm. Smith, Sterrett, Sturges, Thatcher, Tucker, Wadsworth, White, Williamson, Willis.—36.

The motion was, therefore, decided in the negative.

1st Congress.  
1st Session.

THE message of the President of the United States, which was introduced in the commencement of this chapter, in the views

1793.

H. Journal,  
p. 75.

1st Congress.  
1st Session.

INDIANS.

Bill as to  
treaty with  
Indians.

which it contained of the measures necessary for the national defence, embraced the negotiation of treaties with the Indians; and one of the resolutions of the committee of the whole house on the state of the Union, to which that message was referred, distinctly recognised the policy of such a measure; and it was ordered that Messrs. Clymer, Ames, and Moore, be a committee to prepare and bring in a bill to carry this purpose into effect. Mr. Clymer, on the 10th of August, 1789, from this committee, presented a "bill providing for the expenses which may attend negotiations or treaties with the Indian tribes, and the appointment of commissioners for managing the same;" which was then read the first time, and received the second reading on the next day, when it was also considered in committee of the whole, and reported with amendments, which were agreed to by the House, and the bill was ordered to the third reading.

H. Journal,  
p. 77.

On the same day, the following motion was submitted to the House:—

Motion  
submitted.

"*Resolved*—That in case of refusal of the Creek Indians to treat, or, on treaty, to agree to such articles and terms, as to the commissioners, to be appointed, shall appear necessary and just, the President of the United States shall be, and he is hereby, authorized to raise, or cause to be raised, such number of troops, in the pay and establishment of the United States, or to call forth and embody such proportion of the militia of the states of South Carolina and Georgia, as will secure and protect, by such proper posts as he may think necessary, the inhabitants of the state of Georgia from the invasion and further inroads of the Creek Indians: *Provided*—That the whole number of men so to be raised, on the establishment of the United States, shall not exceed —, nor be continued for a longer term than —: *And provided, also* —That the whole number of the militia, so to be called forth and embodied, shall not exceed —; nor shall any one person be obliged to serve more than —; and the said militia, when in actual service, shall be entitled to the pay and emoluments of the troops of the United States."

Motion  
committed.

This motion was ordered to be committed to a committee of the whole, on the state of the Union. Id. p. 78.

On the 12th of August, the bill providing for the expenses which may attend negotiations or treaties with the Indian tribes, and the appointment of commissioners for managing the same, was read the third time. It was then moved to fill up the first blank with the sum of forty thousand dollars; which motion was decided in the affirmative by the following vote:—

| CHAP. V.                               | National Defence—Treaties with Indians.   | 1789.   |
|--|---|---|
| 1st Congress.<br>1st Session.          | <p><i>Ayes</i>—Messrs. Baldwin, Benson, Brown, Burke, Cadwalader, Clymer, Coles, Fitzsimons, Gale, Griffin, Hartley, Huntington, Jackson, Lawrance, Lee, Madison, jr., Mathews, Muhlenberg, Page, Scott, Smith, of South Carolina, Stone, Silvester, Trumbull, Tucker, Vining, Wadsworth, Wynkoop.—28.</p> <p><i>Noes</i>—Messrs. Ames, Boudinot, Carroll, Floyd, Gerry, Gilman, Grout, Hathorn, Heister, Leonard, Livermore, Moore, Parker, Partridge, Van Rensselaer, Schureman, Sedgwick, Seney, Sherman, Smith, of Maryland, Sturges, Sumpter, Thatcher.—23.</p>  | H. Journal,<br>p. 78.   |
| Motion to<br>fill blank,<br>agreed to. |   |   |
| Passed by<br>House.                    | <p>The bill was then recommitted to a committee of the whole house, and was immediately taken up and considered in committee, and an amendment was reported, which was agreed to, and the bill was again ordered to the third reading. On the 13th, the bill was read the third time, and passed, and was sent to the Senate, where, on the same day, it was read the first time, and received the second reading on the 14th, and was committed to Messrs. Few, Ellsworth, King, Lee, and Butler. On the 17th, this committee reported, that it be</p>   | Id. p. 79.<br><br><br><br><br><br><br><br><br><br>S. Journal,<br>p. 59. |
| Committed<br>in Senate.                | <p><i>Report.</i> “<i>Resolved</i>—That there be allowed and paid to a superintendent of Indian affairs, in the southern department, that may be nominated by the President, and appointed by and with the advice and consent of the Senate, the sum of — per day, including his expenses for the time he may be employed in attending a treaty, proposed to be held by the commissioners of the United States and the Creek Indians, at the Rock Landing, in the state of Georgia, on the 15th day of September next.</p>  |   |
| Disagreed<br>to.                       | <p>“That, in case the proposed treaty should fail in the desired object, of establishing peace between the citizens of the United States and the Creek Indians, Congress will make such grants of money, and pursue such other measures, as will be necessary for the protection and safety of the inhabitants of the southern frontiers, and best secure the peace of the United States.”</p> <p>This report was disagreed to by the Senate. It was then moved that it be</p> <p>“<i>Resolved</i>—That the President of the United States be requested to nominate a fit person, for superintendent of Indian affairs in the southern department, in order that he may be sent forward as soon as may be, to act with the commissioners of Indian affairs, in the southern department, appointed pursuant to a resolution of Congress, passed on the — day of —, and aid them in carrying into effect a treaty that is proposed to be held with the Creek nation, on the 15th day of September next, in the state of Georgia, at the Rock Landing.</p> | Id. p. 80.  |

1 Congress.  
1 Session.

Motions to  
amend.

"That the sum of — dollars be delivered to the said superintendent, to be appropriated for the immediate purpose of the said treaty, for which sum he shall be accountable.

"That the President of the United States be requested to instruct the said superintendent and commissioners, to hear and fully investigate all the complaints and grievances of the said Creek Indians, and to use all the means in their power to quiet their minds, and to do them ample justice, agreeably to the aforesaid resolution of Congress, and instructions heretofore given for that purpose: That, if the said Indians should prove refractory, or refuse to treat, and establish peace on just and reasonable terms, then, and in that case, the said superintendent and commissioners be directed to make immediate report thereof to the President of the United States, and Congress will make such grants of money, and pursue such other measures as will be necessary for the safety and protection of the inhabitants of the southern frontiers, and best secure the peace of the United States."

Rejected. The question being taken on this motion, it was decided in the negative.

Motions to  
amend. It was then moved that the Senate adopt the following resolution:—

"*Resolved*—That the President of the United States be authorized and empowered, and he is hereby authorized and empowered, should the Creek Indians decline to make peace with the state of Georgia, to take effectual measures for covering the state of Georgia from the incursions of the Indians, either by ordering some of the troops now at Fort Harmar to march to the frontiers of Georgia, or by embodying such a number of the militia as he shall think sufficient to ensure to the citizens of Georgia protection and the cultivation of their lands in peace and security; and that he be empowered to draw on the treasury for defraying the expenses of the same."

And on motion for the previous question; to wit:—"Shall the main question be now put?" it was decided in the negative.

The bill was again taken up for consideration on the 18th, when a motion to strike out "eight dollars" from the clause providing for the compensation to the commissioners, and insert "five dollars," in line 8th; another motion to insert, after "eight dollars per day," the words "at the discretion of the President;" and a third motion, to strike out "eight dollars," and insert "six dollars," were all decided in the negative; and

## CHAP. V.

## National Defence—Treaties with Indians.

179

1st Congress.  
1st Session.

it was ordered, so far to dispense with the rules of the Senate that the bill should be read the third time on this day. It was then moved to strike out, in line 3d, "forty," and insert "twenty," in order thereby to limit the sum to be expended in negotiating a treaty with the Indian tribes to twenty thousand dollars. The question being put on this motion, it was determined

Amended. in the affirmative by the following vote:—

*Yeas*—Messrs. Carroll, Dalton, Ellsworth, Elmer, Henry, S. Jour Johnson, King, Langdon, Read, Schuyler, Strong, Wingate. P. 81.  
—12.

*Nays*—Messrs. Butler, Few, Gunn, Izard, Lee, Maclay, Morris.—7.

It was then moved that the Senate adopt the following resolution:—

"*Resolved*—That Congress will make provision for the discharging of any expenses that may be incurred by such military arrangements as the President of the United States may think proper to make, for the purpose of protecting the citizens of Georgia from the depredations of the Creek Indians, should peace not take place with them, or should they, having agreed to a peace, violate the same."

Passed by  
Senate.

And on motion for the previous question, it was decided in the negative. The bill was then passed in its amended form. The House, on the 19th concurred in the amendment of the Senate.

H. Jour  
p. 84.

2d Session.

It has been already stated that the bill to regulate the military establishment of the United States, which was passed at the second session of the first Congress, was reported by a committee to whom was referred a message from the President of the United States, of the 12th of January, 1790, and that none of the proceedings on that bill appear upon the public Journals of the House of Representatives. Another bill emanated from the same committee, and was carried through the House of Representatives with the same secrecy; and, on the 29th of March, the following message was sent to the Senate from the House:—

S. Jour  
p. 125.

"*Mr. President*—The House of Representatives have passed another bill upon the subject of the confidential communications made by the President of the United States, in which they request the concurrence of the Senate."

Bill for  
holding  
treaty with  
Indians.

The Senate then proceeded to the first reading of the bill, entitled "An act providing for holding a treaty or treaties, to esta-

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## CHAP. V.

## National Defence—Treaties with Indians.

1793.

- 1st Congress. 2d Session.** blish peace with certain Indian tribes." This bill was not taken up for the second reading until the 9th of July, when it was committed to Messrs. Schuyler, Gunn, and Langdon, and was reported on the 16th, with amendments, when it was ordered to the third reading. On the following day, the bill was read the third time, and passed in its amended form. The amendment of the Senate received the concurrence of the House on the same day. *S. Journal, p. 176.*
- Bill passed.** On the 30th of March, Mr. Wadsworth, from the same committee, presented to the House of Representatives a bill to regulate trade and intercourse with the Indian tribes, which was then read the first time, and received the second reading, and was committed to a committee of the whole house, on the following day. The bill was taken up in committee on the 10th of April, and also on the 28th, on which day the committee was discharged from further proceeding on the bill, and it was recommitted to Messrs. Wadsworth, Brown, Boudinot, Burke, Baldwin, Livermore, Ames, Lawrance, Scott, Smith, of Maryland, Sumpter, and Steele. Mr. Wadsworth, on the 14th of May, presented, from this committee, an amendatory bill, which was then read the first time, and received the second reading, and was committed to a committee of the whole house, on the following Monday. On the 22d of June, this bill was considered in committee of the whole, and several amendments were reported, which were agreed to by the House. It was then moved to amend the bill by striking out the fourth section, in the words following:— *Id. p. 181.*
- Bill to regulate trade and intercourse.** *Id. p. 182.*
- Amendatory bill.** *H. Journal, p. 272.*
- Motion to amend.** *Id. p. 185.*
- Id. p. 192.*
- Id. p. 204.*
- Id. p. 216.*
- Id. p. 217.*

*"And be it further enacted—That a sum, not exceeding ——— thousand dollars, be appropriated out of the moneys arising from duties on imposts and tonnage, subject to the orders of the President of the United States, to be laid out in goods and articles of trade, suitable for supplying the wants and necessities of the Indians, and to be vended and retailed to them through the agency of the said superintendents, and persons to be licensed by them for that purpose, in such manner, and conformably to such regulations, as the President of the United States shall establish."*

**Negatived.** The question being put on this motion, it was decided in the negative, by the following vote:—

*Ayes—Messrs. Ashe, Bloodworth, Coles, Floyd, Foster, Gerry, Goodhue, Hathorn, Heister, Huger, Huntington, Jackson, Leonard, Livermore, Parker, Van Rensselaer, Schureman, Sedgwick, Seney, Sevier, Sherman, Silvester, Stone, Sturges, Sumpter, Tucker.—26.* *Id. p. 248, 249.*



1st Congress.  
1st Session.

*Noes*—Messrs. Ames, Baldwin, Benson, Boudinot, Brown, Cadwalader, Contee, Fitzsimons, Gale, Gilman, Griffin, Hartley, Lawrance, Lee, Madison, jr., Mathews, Moore, Muhlenberg, Page, Scott, Sinnickson, Smith, of Maryland, Smith, of South Carolina, Steele, Trumbull, Wadsworth, White.—27.

Passed by  
House.

The bill was then ordered to the third reading; and on the following day, it was read the third time and passed. On the same day, the bill received the first reading in the Senate, and was read the second time on the 2d of July, when it was committed to Messrs. Hawkins, Few, and Schuyler. Mr. Hawkins, on the 8th, reported amendments, and the bill was amended accordingly, and ordered to the third reading. And on the 9th, the bill, as amended, was passed, and sent to the House for concurrence in the amendments; and the House concurred in the amendments on the following day.

S. Journal,  
p. 165, 174  
—176.

Amended  
Senate.

On the 12th, however, as appears by the Journal of the House of Representatives, it was discovered that a mistake had been made in the message from the Senate, whereby an amendment proposed on the part of the Senate for striking out the fourth section of the bill, had been omitted. The fourth section is as follows:—

H. Journal,  
p. 267, 268.

Disagree-  
g votes.

*"Sect. 4. And be it further enacted*—That a sum, not exceeding ten thousand dollars, be appropriated, out of the moneys arising from duties on imposts and tonnage, subject to the orders of the President of the United States, to be laid out in goods and articles of trade, suitable for supplying the wants and necessities of the Indians, and to be vended and retailed to them through the agency of the said superintendents, and persons to be licensed by them for that purpose, in such manner, and conformably to such regulations as the President of the United States shall establish."

House re-  
solved.

The House then proceeded to consider this amendment, and disagreed to it. The Senate, on the same day, adopted a resolution to insist on their amendment. On the 13th, the House of Representatives also determined to insist on their disagreement, and desired a conference with the Senate on the subject, appointing Messrs. Madison, Scott, and Moore, to be managers at the conference, on their part. The Senate, on the next day, agreed to the conference, and appointed Messrs. Schuyler, Ellsworth, and Strong, to be their managers. Mr. Madison made a report from the managers to the House of Representatives, on the 19th, and the House then resolved to recede from their disagreement to the amendment of the Senate.

S. Journal,  
p. 177.

H. Journal,  
p. 269.

S. Journal,  
p. 179.

H. Journal,  
p. 273.

CHAP. V.

National Defence—Indians.

1790-91.

1st Congress.  
3d Session.Expedi-  
tion a-  
gainst In-  
dians on  
north-west  
frontiers.

At the commencement of the third session of this Congress, the President of the United States, in his opening speech, informed the two houses of the necessity which had been imposed on him by the incursions of the Indians, of authorizing an expedition for the purpose of repelling them. And on the 9th of December, the speaker laid before the House of Representatives a letter from the secretary of war, accompanied with a statement of the information on which the expedition against the Indians north-west of the Ohio had been founded; and also the instructions to the governor of the western territory, and the commanding officer of the troops, relative to the same object; together with an estimate of the expense with which the expedition will probably be attended; all which papers were laid on the table. On the 14th, the following message, in reference to this subject, was transmitted by the President of the United States to the two houses of Congress:—

H. Journal,  
p. 331, 332.

Id. p. 336.

*"United States, December 14, 1790.**"Gentlemen of the Senate, and House of Representatives:—"*Message of  
President.

"Having informed Congress of the expedition which had been directed against certain Indians north-west of the Ohio, I embrace the earliest opportunity of laying before you the official communications which have been received upon that subject.

S. Journal,  
p. 222.*"G. WASHINGTON."*Resolu-  
tion to de-  
fray ex-  
penses of  
north-west-  
ern expedi-  
tion.

On the following day, the House, in committee of the whole on the state of the Union, adopted the following resolution:—

H. Journal,  
p. 338.

*"Resolved—*That it is the opinion of this committee that immediate provision ought to be made for defraying the expenses incurred in the expedition against the Indians, north-west of the Ohio."

And this resolution was referred, by the House, to the secretary of the treasury, with instruction to report an appropriation pursuant thereto.

On the 24th and 27th of January, 1791, the following messages, from the President of the United States, were communicated to the two houses:—

*"Gentlemen of the Senate, and House of Representatives:—"*Messages  
from Presi-  
dent as to  
Indian de-  
predations.

"I lay before you a statement relative to the frontiers of the United States, which has been submitted to me by the secretary for the department of war.

S. Journal,  
p. 235.

"I rely upon your wisdom to make such arrangements as may

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at Congress.  
d Session.

Messages  
of Presi-  
dent.

be essential for the preservation of good order, and the effectual protection of the frontiers.

“ G. WASHINGTON.

“ *United States, January 24, 1791.*”

“ *Gentlemen of the Senate and House of Representatives :—*

“ In order that you may be fully informed of the situation of the frontiers, and the prospects of hostility in that quarter, I lay before you the intelligence of some recent depredations, received since my message to you upon this subject, of the 24th instant.

S. Journal,  
p. 236.

H. Journal,  
p. 364.

“ G. WASHINGTON.

“ *United States, January 27, 1791.*”

Committed  
in House.

In the House of Representatives, the papers referred to in this last message were committed to Messrs. Ames, Wadsworth, Fitzsimons, Vining, Brown, Williamson, and Jackson.

at Congress.  
d Session.

President's  
message as  
to course  
towards In-  
dians.

No report or further proceeding on the subject appears in the Journal of this session. But, on opening the first session of the

S. Journal,  
p. 325.

second Congress, the President of the United States, more in detail, and more emphatically, called the attention of Congress to the state of the Indian frontiers, and the policy of adopting some measures of conciliation, and introducing a system of intercourse “ calculated to advance the happiness of the Indians, and to attach them firmly to the United States.” On the 27th of October, also, the following message was transmitted by the President of the United States, to the two houses of Congress :—

H. Journal,  
p. 436.

“ *Gentlemen of the Senate, and of the House of Representatives :—*

Recall of  
expedition  
against  
Wabash  
Indians.

“ I have directed the secretary of war to lay before you, for your information, the reports of Brigadier General Scott and Lieutenant Colonel Commandant Wilkinson, the officers who commanded the two expeditions against the Wabash Indians, in the months of June and August last; together with the instructions, by virtue of which the said expeditions were undertaken.

S. Journal,  
p. 331.

H. Journal,  
p. 441.

“ G. WASHINGTON.

“ *United States, 27th October, 1791.*”

Bill to re-  
gulate  
trade read  
twice.

The suggestions of the President, in his opening speech, were, on the 31st of October, referred to Messrs. White, Lawrance, and Steele, with instructions from the House of Representatives to prepare and bring in a bill, or bills, pursuant thereto; and, on the 23d of November, Mr. White, from this committee, presented a bill to regulate trade and intercourse with the Indian tribes,

Id. p. 445.

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## National Defence—Indians.

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2d Congress.  
1st Session.

which was read the first and second time, and committed to a committee of the whole house. But this bill was not subsequently acted on. H. Journal, P. 462.

Memorial  
of Indian  
commis-  
sioners.

On the 2d of January, 1792, a memorial of Benjamin Lincoln, in behalf of himself, Cyrus Griffin, and David Humphreys, late commissioners on the part of the United States, for treating of peace with the several tribes of Indians south of the river Ohio, praying the settlement of an account for authorized expenses, incurred by the said commissioners, on the said mission, was presented to the House of Representatives, and referred to the secretary of war. The secretary, on the 4th, made a report to the House on the subject of this memorial, and the memorial and report were then referred to Messrs. Ames, Boudinot, and Steele, to consider and report on the subject. Mr. Ames made a report on the 5th, which was taken up for consideration, and discussed on the following day, and again on the 13th, when a committee was appointed, consisting of Messrs. Tucker, Giles, and Smith, of New Hampshire, to prepare and bring in a bill, or bills, granting to the said commissioners ——— dollars, on account of their extra expenses, going to, and returning from, the treaty. On the 17th, Mr. Tucker, from this committee, presented a bill to reimburse certain extra expenses of the late commissioners for treating of peace with the Creek Indians; which was read the first time, and received the second reading, and was committed in the ordinary course on the next day. This bill was not further acted on. Id. p. 484.  
H. Journal, P. 487.  
Id. p. 488, 489.  
Id. p. 492.

Bill to re-  
imburse  
commis-  
sioners.

Mr. Tucker, from this committee, presented a bill to reimburse certain extra expenses of the late commissioners for treating of peace with the Creek Indians; which was read the first time, and received the second reading, and was committed in the ordinary course on the next day. This bill was not further acted on. Id. p. 493.

2d Session.

During the second session of this Congress, on the 22d of November, the House of Representatives again appointed a committee, consisting of Messrs. Ames, Tucker, and Jeremiah Smith, to prepare and bring in a bill, or bills, to reimburse certain extra expenses of the late commissioners for treating of peace with the Creek Indians. Mr. Ames presented a bill on the 25th of November, which was then read the first time, and received the second reading, and was committed to a committee of the whole house on the next day. This bill was considered in committee on the 28th, when an amendment was reported, which was taken up for consideration on the 4th of December. The amendment of the committee was, to fill up the blank with "twelve hundred dollars;" and the question being on concurring with the committee in this amendment, it was decided in the negative, by the following vote:— Id. p. 625.  
Id. p. 626.

Bill to re-  
imburse  
commis-  
sioners.

Commit-  
ted.

Report.

This bill was considered in committee on the 28th, when an amendment was reported, which was taken up for consideration on the 4th of December. The amendment of the committee was, to fill up the blank with "twelve hundred dollars;" and the question being on concurring with the committee in this amendment, it was decided in the negative, by the following vote:— Id. p. 629.

Motions to  
concur re-  
jected.

*Ayes*—Messrs. Ames, Baldwin, Barnwell, Benson, Boudinot, S. Bourne, Findley, Fitzsimons, Gilman, Goodhue, Heister, Id. p. 632, 633.

Congress.  
Session.

Huger, Learned, Milledge, Muhlenberg, Murray, Page, Sedgwick, Wm. Smith, Sturges, Thatcher, Tucker, Wadsworth, Ward.—24.

*Noes*—Messrs. Ashe, B. Bourne, Clarke, Dayton, Giles, Gordon, Greenup, Grove, Hillhouse, Jacobs, Kitchell, Lee, Livermore, Moore, Niles, Orr, Schoonmaker, Silvester, I. Smith, Steele, Sumpter, Venable, White, Williamson, Willis.—25.

It was then moved, and agreed to, to fill the blank with the words “nine hundred dollars,” and the bill, as amended, was ordered to the third reading. On the 5th, the bill was read the third time; and the question on the passage of the bill was then determined in the negative, by the following vote:—

*Ayes*—Messrs. Ames, Baldwin, Barnwell, Benson, Boudinot, S. Bourne, Fitzsimons, Lawrance, Livermore, Milledge, Muhlenberg, Page, Sedgwick, Wm. Smith, Sturges, Thatcher, Tucker, Wadsworth, Ward, Willis.—20. H. Journal, p. 633, 634.

*Noes*—Messrs. Ashe, B. Bourne, Clarke, Dayton, Gordon, Jacobs, Key, Kitchell, Leonard, Mercer, Moore, Niles, Orr, Parker, Silvester, I. Smith, Steele, Tredwell, Venable, White, Williamson.—21.

Bill reject-  
ed.

The bill, therefore, was rejected.

President's  
message.

In his annual speech to the two houses, the President of the United States, at the commencement of the second session of this Congress, adverted again, at some length, to the posture of affairs with the Indians. S. Journal, 453.  
H. Journal, p. 611.

Communi-  
cation from  
Wardepart-  
ment.

On the 8th of November, 1792, the speaker laid before the House of Representatives a letter from the secretary of war, communicating information that, on the 27th of September last, Brigadier General Putnam concluded a treaty of peace, in behalf of the United States, with the Wabash and Illinois Indians, consisting of the several tribes of Eel river, Ouittanous, Pottawatomies, of the Illinois river, Musquetous, Kickapoos, of the Wabash, Piankishaws, Kaskaskias, and Peorians, which was laid on the table. Id. p. 615.

Committee  
to prepare  
bill.

On the 14th, it was ordered by the House that Messrs. White, Clarke, and Williamson, prepare and bring in a bill, or bills, to regulate trade and intercourse with the Indian tribes. On the 19th, a memorial and address of the Quakers, from their several religious societies in New Jersey, Pennsylvania, Delaware, Maryland, and Virginia, was presented to the House, praying that Congress would adopt such measures as, in their wisdom, may be deemed salutary and effectual for securing peace and Id. p. 619.  
Id. p. 621.

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friendship with the original holders of this land. The memorial was laid on the table.

On the 29th of November, Mr. White, from the committee appointed by the House, presented a bill to regulate trade and intercourse with the Indian tribes, which was then read the first and second time, and committed to a committee of the whole house. The bill was taken up for consideration in committee, on the 19th of December, and several amendments were reported to the House, which were discussed and deliberated upon, on the 20th and 21st, when some being agreed to and others rejected, the bill was recommitted to Messrs. White, Clarke, Williamson, Baldwin, and Murray; and, on the 27th, Mr. White reported an amendatory bill, which was read the first and second time, and committed to a committee of the whole house. This bill was considered in committee on the 14th of January, 1793, and was agreed to in its amended form; and on the 17th and 18th, the blanks were filled up, and it was engrossed, read the third time, and passed.

Bill to regulate trade and intercourse.

H. Journal, p. 629.

Id. p. 651, 652.

Id. p. 656.

Id. p. 671, 674.

Passed by House.

While this bill was pending in the House of Representatives, communications were received by the two houses which exhibit the unsettled character of the relations between the United States and the Indians at that period. On the 6th of December, the following message was transmitted to Congress by the President of the United States:—

*“Gentlemen of the Senate, and of the House of Representatives:—*

“The several measures which have been pursued to induce the hostile Indian tribes north of the Ohio, to enter into a conference or treaty with the United States, at which all causes of difference might be fully understood, and justly and amicably arranged, have already been submitted to both houses of Congress.

“The paper herewith sent will inform you of the result.

“G. WASHINGTON.

“United States, December 6, 1792.”

On the following day, the following message from the President of the United States, was received by the two houses.

*“Gentlemen of the Senate, and of the House of Representatives:—*

“I lay before you two letters, with their enclosures, from the governor of the South-western Territory, and an extract of a letter to him from the department of war.

Id. p. 462.

Information showing state of Indian affairs at this time.

S. Journal, p. 461.

Congress.  
Session.

"These, and a letter of the 9th of October last, which has been already communicated to you, from the same department to the governor, will show in what manner the first section of the act of the last session, which provides for calling out the militia for the repelling of Indian invasions, has been executed. It remains to be considered by Congress, whether, in the present situation of the United States, it be advisable, or not, to pursue any further or other measures, than those which have been already adopted. The nature of the subject does, of itself, call for your immediate attention to it; and I must add, that, upon the result of your deliberations the future conduct of the executive will, on this occasion, materially depend.

"G. WASHINGTON.

"United States, December 7th, 1792."

[The proceedings on this message will be found in a preceding part of this volume.] S. Journal, p. 465.

On the 19th of December, a letter from the secretary of war was communicated, enclosing an extract of a letter from Brigadier General Wilkinson; also, a copy of a letter from James Leagrove, Gen. Adair, and others, on the subject of Indian affairs; which were ordered to lie on the table. H. Journal, p. 650. S. Journal, p. 464.

And, on the 24th of December, a letter from the secretary of war was communicated to the two houses, enclosing a letter from the governor of Georgia, together with a deposition respecting some recent and cruel murders of a number of the citizens of that state, by the Cherokee Indians. H. Journal, p. 653.

The bill to regulate trade and intercourse with the Indian tribes, was read the first time in the Senate, on the 18th, and, on the following day, it received the second reading, and was committed to Messrs. Ellsworth, Burr, Monroe, Bradley, and Strong. On the 19th of February, Mr. Ellsworth, from this committee, reported amendments to the bill; and these amendments were considered on the 22d, when they were, in part, adopted, and, on the 25th, the subject was resumed; and the report of the committee, after being amended, was agreed to, and the bill was amended accordingly, and ordered to the third reading. On the 26th, the bill was read the third time. It was then moved to amend the bill, by striking out the word "proper" in the following clause of the first section; namely: "which superintendent, a person so authorized, shall, on application, issue such license, for a term not exceeding two years, to any proper person, who shall enter into bond, with one or more sureties, S. Journal, p. 470.473. Id. p. 489. 491. Id. p. 493. Id. p. 495.

Amend-  
in Se-  
cte.

2d Congress.  
2d Session.

Motion to  
amend re-  
jected.

approved of by the superintendent or person issuing such license, or by the President of the United States, in the penal sum of one thousand dollars;" and the question being put on this motion, it was decided in the negative, by the following vote:—

*Yeas*—Messrs. Burr, Cabot, Edwards, Few, Gunn, Hawkins, Johnston, Monroe, Morris, Strong, Taylor.—11.

*Nays*—Messrs. Bassett, Brown, Butler, Dickinson, Ellsworth, Foster, Henry, Izard, King, Langdon, Read, Robinson, Rutherford, Sherman, Stanton, Wingate.—16.

It was, on motion, agreed to substitute the following for the 7th section, which was stricken out:—

Amended  
by Senate.

*"And be it further enacted*—That no agent, superintendent, or other person, authorized to grant a license to trade or purchase horses, shall have any interest or concern in any trade with the Indians, or in the purchase or sale of any horses to or from any Indian, and that any person offending herein shall forfeit one thousand dollars, and be imprisoned, at the discretion of the court before which the conviction shall be had, not exceeding twelve months."

House con-  
cur.

The bill was then passed, and the amendments were sent to the House of Representatives for their concurrence. The House, on the following day, concurred in the amendments.

H. Journal,  
p. 720.

On the 19th of February, the following message was transmitted by the President of the United States, to the House of Representatives:—

*"United States, February 19th, 1793.*

*"Gentlemen of the House of Representatives:—*

Message as  
to ex-  
penses of  
holding a  
treaty  
with In-  
dians  
north-west  
of river  
Ohio.

"It has been agreed, on the part of the United States, that a treaty or conference shall be held at the ensuing session, with the hostile Indians north-west of the Ohio, in order to remove, if possible, all causes of difference, and to establish a solid peace with them.

"As the estimates heretofore presented to the House for the current year, did not contemplate this object, it will be proper that an express provision be made, by law, as well for the general expenses of the treaty, as to establish the compensation to be allowed the commissioners, who shall be appointed for the purpose.

Id. p. 706.

"I shall therefore direct the secretary of war to lay before you an estimate of the expenses which may probably attend the measure.

*"G. WASHINGTON."*



1st Congress.  
2d Session.

This message was accompanied with a letter from the secretary of war, and the papers were all referred to Messrs. Boudinot, White, and Wadsworth, with instruction to report thereon by way of bill, or bills. On the 21st, Mr. Boudinot, from this committee, reported a bill making an appropriation to defray the expense of a treaty with the Indians north-west of the river Ohio, which was read the first and second time, and committed to a committee of the whole. The bill was considered on the 25th, in committee, when an amendment was reported, which was agreed to on the following day, and the bill was ordered to the third reading. The blanks having been filled on the 27th, the bill

H. Journal,  
p. 710.

Id. p. 717,  
718.

Bill passed  
by House.

Passed by  
Senate.

Secret pro-  
ceedings.

where, on the same day, it was read the first time, and, on the following day, was read the second and third time, and passed.

Id. p. 719.

S. Journal,  
p. 496. 498.

The proceedings during this session, in the House of Representatives, regarding the Indians, and which, while depending, were ordered to be kept secret, are contained in the following summary:

On the 7th of November, 1792, the following message was transmitted by the President of the United States, to the two houses:—

1792.

*" United States, November 7th, 1792.*

*" Gentlemen of the Senate and of the House of Representatives:—*

Message as  
to Spanish  
interfer-  
ence.

" I lay before you copies of certain papers relative to the Spanish interference in the execution of the treaty entered into in the year one thousand seven hundred and ninety, between the United States and the Creek nation of Indians, together with a letter from the secretary of state to the President of the United States, on the same subject.

H. Journal,  
p. 737.

*" G. WASHINGTON."*

The speaker laid before the House a letter from the secretary of war, accompanying the following papers; to wit:—

Papers laid  
before the  
House re-  
garding In-  
dians.

" 1st. A statement of the measures taken, and the overtures made, to procure a peace with the Indians north-west of the Ohio.

Id. p. 738.

" 2d. Information received relatively to the pacific overtures and the disposition of the Indians north-west of the Ohio.

" 3d. A statement of the measures which have been taken to conciliate and quiet the southern Indians.

" 4th. Information received relatively to the disposition of the southern Indians, and the causes of the hostilities of part of the Cherokees and Creeks.

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1792-93.

2d Congress.  
2d Session.

" 5th. A statement of the troops in the service of the United States."

The reading of these papers appears to have occupied the House on the 8th, 9th, 10th, 12th, 15th, and 16th, but there is no further record of the proceedings thereon in secret session.

Posts in the  
wilderness.

On the 25th of February, 1793, in conformity to a notice which he had given on the 23d, Mr. Edwards obtained leave to introduce a bill into the Senate "to authorize the President of the United States to establish two or more small posts in the wilderness, on the road leading from Kentucky and the other western settlements, to the eastern settlements of the United States." On the following day, this bill was read the second time, and referred to Messrs. Edwards, Strong, and King. Mr. Edwards made a report on the 27th, when the bill was rejected.

S. Journal,  
P. 492, 494.Id. p. 495,  
P. 496.1st Congress.  
2d Session.

THE NAVY.

Memorial  
of officers.Commit-  
ted.Consider-  
ed.

Rejected.

A MEMORIAL of the officers of the late navy of the United States was presented to the House of Representatives and the Senate, on the 20th of March, 1790, praying to be allowed the half pay and other emoluments granted to the officers of the army. This memorial was, on the 29th, referred to a committee of the house, consisting of Messrs. Baldwin, Hartley, Lawrence, Trumbull, Stone, Ashe, and Burke, with instruction to examine the matter of the memorial, and report their opinion to the House. On the 13th of May, Mr. Baldwin, from this committee, made a report, which, on the 24th of June, was taken up for consideration, and committed to a committee of the whole house. The committee immediately deliberated on the subject, and, after discussion, reported their opinion that the House should disagree to the report of the select committee; and the House then adopted the following resolution:—

1790.

S. Journal,  
P. 124.H. Journal,  
P. 182.Id. p. 184.  
Id. p. 216.  
250.

"Resolved—That this House do concur with the committee of the whole house in their disagreement to the said report, and that the said memorial of the officers of the late navy of the United States be rejected."

2d Session.

Memorial  
of officers  
of Penn-  
sylvania na-  
vy,  
And of  
Joshua  
Barney.

In the third session of this Congress, on the 12th of January, 1791, there was presented to the House of Representatives a memorial of sundry officers in the late navy of the state of Pennsylvania, praying compensation for services rendered during the late war. And this memorial, and also a petition of Joshua Barney, praying to be allowed certain expenses; and also the

1791.

H. Journal,  
P. 353.

at Congress. of Session. commutation of half pay, for services as captain in the navy of the United States, during the late war, were referred to Messrs. Fitzsimons, Smith, of Maryland, Trumbull, Goodhue, and Cadwalader, for examination and report. Mr. Fitzsimons, on the 14th, made a report from this committee, which was agreed to by the House, in the following terms :—

Unfavourable report agreed to. “That it will not be advisable to grant the prayer of the petitioners, and, therefore, that they have leave to withdraw their petition.” H. Journal, P. 354.

Report on Barney's petition. Mr. Fitzsimons, on the 19th of January, made a separate report on the petition of Joshua Barney, which was taken up for consideration on the 15th of February, when the House adopted the following order :— Id. p. 358. Id. p. 379.

Committee to prepare bill. “Ordered—That a committee be appointed to prepare and bring in a bill, or bills, to authorize the payment of ——— dollars to Captain Barney, for expenses incurred in obtaining his release from captivity, and in returning to the United States; and that Mr. Fitzsimons, Mr. Smith, of Maryland, Mr. Trumbull, Mr. Goodhue, and Mr. Cadwalader, be of the said committee.”

Bill rejected. Mr. Fitzsimons, on the next day, presented a bill to compensate Joshua Barney, which was then read the first and second time, and committed to a committee of the whole house. The bill was taken up in committee on the 21st, and an amendment was reported. The question being then put, that the amendment be engrossed, and the bill read the third time, it was determined in the negative. The bill was therefore rejected. Id. p. 380. Id. p. 385.

at Congress. of Session. Pensions. On the 4th of September, 1789, a petition of certain non-commissioned officers and soldiers, invalid pensioners of the state of Pennsylvania, was presented to the House of Representatives, praying relief, in consideration of the payment of their pensions being stopped by an act of the legislature of that state. This petition, together with the petitions of sundry other invalid pensioners, presented during the present session, were referred to Messrs. Heister, Wadsworth, and Gilman, with instruction to examine and report. Mr. Heister presented, on the 18th, from this committee, a bill making provision for the invalid pensioners of the United States, which was then read the first time; and on the following day, it received the second reading, and was committed to a committee of the whole house. The bill was considered in committee on the 24th, when no amend- 1789. H. Journal, P. 96. Id. p. 113. Id. p. 114. Id. p. 122, 123.

Act providing for payment of invalid pensioners.

| CHAP. V.   | National Defence—Pensions.   | 1790.   |
|--|--|---|
| <u>1st Congress.<br/>1st Session.</u>                | ment was reported, and the bill was recommitted to Messrs. Wadsworth, Heister, and Gilman; and, on the following day, it was reported by Mr. Heister, with an amendment, and the   | H. Journal,<br>p. 124.  |
| Passed.  | bill was read the third time, and passed. On the 26th, the bill was read the first time in the Senate, and was committed to Messrs. Read, Butler, King, Ellsworth, and Morris. Mr. Read, on the 28th, reported the bill with a recommendation to concur in its provisions, when the bill was read the second and third time, and passed.   | S. Journal,<br>p. 90.<br>Id. p. 91.   |
| <u>2d Session.</u>                                   | At the second session, on the 1st of February, 1790, it was ordered by the House of Representatives that Messrs. Heister, Partridge, and Hathorn, be a committee to prepare and bring in a bill, or bills, to provide for the invalid pensioners of the United States. And, on the 29th of June, Mr. Heister presented, pursuant to the order of the House, a bill which was then read the first time, and received the second and third readings, and was passed, on the two next succeeding days. The bill was read the first time in the Senate on the 2d of July, received the second reading on the 6th, and was read the third time on the 7th, and passed with an amendment, which was sent to the House, where the amendment was concurred in.                         | 1790.<br>H. Journal,<br>p. 150.<br>Id. p. 253,<br>254.<br>S. Journal,<br>p. 174, 175.<br>H. Journal,<br>p. 258. |
| Passed.  | On the 29th of April, the House of Representatives appointed Messrs. Burke, Contee, and Coles, to prepare and bring in a bill, or bills, to authorize the issuing certificates to certain description of invalid officers. Mr. Burke reported a bill on the following day, which was then read the first time; and, on the 3d and 4th of May, was read the second and third time, and passed. In the Senate, the bill was read the first time on the 4th of May; and, on the next day, received the second reading, and was committed to Messrs. Schuyler, Hawkins, and Ellsworth. A report was made by Mr. Schuyler, from this committee, on the 7th of July, when, after the third reading of the bill, the Senate refused to concur therein, so that the bill was rejected. | Id. p. 205.<br>Id. p. 206—<br>206.<br>S. Journal,<br>p. 137, 138.<br>Id. p. 175.                                |
| <u>3d Session.</u>                                   | On the 10th of January, 1791, soon after the commencement of the third session of this Congress, the House of Representatives appointed a committee, consisting of Messrs. Williamson, Bourne, and Griffin, to prepare and bring in a bill, or bills, to prevent invalids, who are pensioners of the United States, from selling or transferring their respective pensions before the same shall become due; and, on the 21st, Mr. Williamson presented, from this committee, a bill conforming to this order, which then received the first and second reading, and was committed to a  | 1791.<br>H. Journal,<br>p. 351.<br>Id. p. 359.  |
| <u>Bill to prevent transfer of invalid pensions.</u> |  |   |

## CHAP. V.

## National Defence—Pensions.

1791.

1st Congress,  
1st Session.Not acted  
on.Bill for  
making  
compensa-  
tion to  
widows,  
orphans,  
and in-  
valids.Passed by  
House.Postponed  
by Senate.

committee of the whole house. This bill was not further acted on.

It was ordered by the House of Representatives, on the 26th of January, that a committee be appointed, consisting of Messrs. Smith, of South Carolina, Stone, and Trumbull, to prepare and bring in a bill for making compensation to widows, orphans, and invalids, in certain cases. And, on the 28th of February, Mr. Smith, from this committee, reported a bill for making compensation to the widows and orphan children of certain officers who were killed, or who died while in the service of the United States, during the late war, and for the relief of certain invalids, and other persons therein mentioned, which was then read the first time; and, on the next day, received the second reading, and was committed to a committee of the whole house. The House immediately went into committee on the bill, and no amendments being reported, the bill was then ordered to the third reading. And, on the 2d of March, the bill was read the third time, and passed. In the Senate, the bill was immediately read the first and second time, and was then committed to Messrs. Wingate, Strong, and Carroll. On the 3d, Mr. Wingate made a report from this committee, and it was then resolved that the further consideration of this bill be postponed until the next session of Congress.

H. Journal,  
p. 364.Id. p. 396.  
398.

Id. p. 399.

S. Journal,  
p. 296, 297.

Id. p. 309.

2d Congress,  
1st Session.Bill for  
making  
compensa-  
tion to  
widows,  
orphans,  
and in-  
valids.

At the commencement of the first session of the second Congress, on the 31st of October, 1791, a committee was again appointed by the House of Representatives, consisting of Messrs. Wadsworth, Smith, of South Carolina, and Silvester, to prepare and bring in a bill, or bills, for making compensation to widows, orphans, and invalids, in certain cases. The petition of Nicholas Ferdinand Westfall was referred to this committee. Mr. Wadsworth, on the 25th, presented a bill for making compensation to widows, orphans, and invalids, in certain cases, which was then read the first and second time, and was committed to a committee of the whole house. The bill was considered in committee on the 28th and 29th, when several amendments were reported, which were taken up for consideration by the House on the 30th, when some of the amendments were adopted, and others were disagreed to. The bill was then further amended, and was ordered to the third reading. On the 1st of December, the bill was read the third time, passed, and sent to the Senate; where it was, on the same day, read the first time, and received

H. Journal,  
p. 444.

Id. p. 446.

Id. p. 463.

Id. p. 464,  
465.Id. p. 466,  
467.S. Journal,  
p. 347.

## CHAP. V.

## National Defence—Pensions.

1791—92.

2d Congress.  
1st Session.Proceed-  
ings on the  
bill in the  
Senate.

the second reading on the 5th, when the bill was committed to Messrs. Wingate, Morris, and Gunn. Mr. Wingate, on the

S. Journal,  
p. 349.356.

14th, from this committee, reported amendments to the bill.

On the same day, it was ordered by the Senate, that Messrs. Burr, Butler, and Strong, be a committee to revise the acts and

resolves relative to the compensations to disabled officers and soldiers, and to the widows and orphans of deceased officers,

and to report what alterations and further general regulations it will be proper to make therein. The petition of Elijah Jones,

of New York, late a lieutenant colonel in Colonel Sheldon's regiment of cavalry, was referred to this committee, as was that of

Jonathan Woolley, late of Colonel Scammel's regiment. Mr. Burr made a report from this committee on the 10th of Janu-

Id. p. 358.

ary, 1792, which was ordered to lie for consideration; and the report of the other committee, to whom had been referred the

bill for the relief of certain widows, orphans, invalids, and other persons, being then taken up, that bill was committed to Messrs.

Id. p. 364.

Burr, Strong, and Butler, who were directed to consider and report such further general provisions as they shall conceive ne-

cessary for the relief of the widows and orphans of officers who were killed, or who died, and officers and soldiers who were dis-

abled in service during the late war.

Mr. Burr made a report from this committee on the 17th of

Id. p. 377.

January, and the bill was amended according to the report. An unsuccessful motion was then made to postpone the bill, and the

Senate proceeded in the second reading, when it was agreed to postpone its further consideration. On the 26th, the bill was

Id. p. 379.

again taken up, and the report of the committee on the petition of Isaac Ledyard having been read, it was moved to amend the

report, but the motion was determined in the negative. The consideration of the bill was resumed on the 30th of January,

Id. p. 384.

and on the 10th, 14th, 15th, and 29th of February, when a motion was made to strike out the first section of the bill, which

Id. p. 389.  
Id. p. 391,  
392.

was decided as follows:—

*Yeas*—Messrs. Bradley, Burr, Cabot, Carroll, Ellsworth, Foster, Hawkins, Johnston, King, Langdon, Lee, Monroe, Rutherford, Sherman, Strong, Wingate.—16.

Id. p. 401.

*Nays*—Messrs. Bassett, Butler, Dickinson, Few, Gunn, Izard, Morris, Read, Stanton.—9.

On the 1st of March, the consideration of the bill was resumed, when it was agreed so far to reconsider the resolution of yesterday, as to restore the first section of the bill as amended by the committee, as follows:—

Amended.

2d Congress.  
1st Session.

Amended  
by Senate.

*"Section 1. Be it enacted, by the Senate and House of Representatives of the United States of America, in Congress assembled—That the comptroller of the treasury adjust the claims of the widows and orphans respectively, as the case may be, of Colonel Owen Roberts, Captain William White, Lieutenant Colonel Bernard Eliot, Major Samuel Wise, Major Benjamin Huger, Lieutenant John Birch, and Major Charles Motte, deceased; all of whom were killed or died in the service of the United States, for the seven years' half pay stipulated by the resolve of Congress, of the twenty-fourth day of August, one thousand seven hundred and eighty; and that the register of the treasury do issue his certificates accordingly."*

S. Jour  
P. 402.

It was then agreed to insert the following as the second section:—

*"Section 2. And be it further enacted—That the officers of the treasury be, and they are hereby, authorized to re-examine the accounts of Isaac Ledyard, late assistant deputy director, and John Berrien, late commissary of the hospital department, and if any error has taken place in the settlement of the said accounts, to correct the same."*

Id. p. 4

Some further amendments having been made, the bill was then ordered to the third reading; and on the following day, the Senate proceeded to the third reading of the bill. A motion was then made to restore the words "Richard Shubrick" to the bill, as it came from the House of Representatives, but the motion was decided in the negative. An unsuccessful motion was then made to strike out the first section of the bill, as amended by the committee, and which was restored to the bill by the vote of yesterday. After which the bill, as amended, was passed.

The amendments made by the Senate are as follow:—

Amend-  
ments of  
Senate.

*"Section 1, line 4. Strike out these words, 'Captain Robert Lewis;' lines 4 and 5, strike out these words, 'Colonel William Douglass,' and 'Major Andrew Leitch;' lines 5 and 6, strike out these words, 'Lieutenant John Harris, Colonel William Bond, Lieutenant Wadleigh Noyes;' line 7, after 'Birch,' insert 'and;' line 8, strike out these words, 'Captain Richard Shubrick.'*

*"Between sections 1 and 2, insert*

*"Section 2. And be it further enacted—That the officers of the treasury department be, and they are hereby, authorized to re-examine the accounts of Isaac Ledyard, late assistant deputy director, and John Berrien, late quarter-master of the hospital de-*

Ibid

3d Congress.  
1st Session.

Amend-  
ments of  
Senate.

partment, and if any error hath taken place in the settlement of the said accounts, to correct the same.

"Section 4, line 3. Strike out these words, 'during the late war,' and insert 'as a deranged officer, upon the principles of the act of the late Congress of the third of October, one thousand seven hundred and eighty.' Line 6, strike out these words, 'thereof accordingly,' and insert 'of the balance due to him.' Line 9, after the word 'service,' insert 'and which have been charged by the United States to the officers who have received the same for the public service.'

"Conform the sections to the amendments."

Disagree-  
ment of  
Houses.

The amendments being sent to the House, were there considered on the 7th, when some of them were adopted, and others disagreed to. And in the Senate, on the 9th, it was ordered that the consideration of the resolution of the House of Representatives, on the amendments to this bill, be postponed until the managers of the conference on the bill entitled "An act to ascertain and regulate the claims to half pay and to invalid pensions," shall report. On the 19th of March, the Senate proceeded to the consideration of the subject, and determined to *insist* on all their amendments to the first section, except the last, from which they recede, and also to insist on their last amendment to the fourth section. And on the following day, the House receded from their disagreement to the amendments, and agreed to them all.

H. Journal,  
p. 530.

S. Journal,  
p. 407.

Id. p. 411.

House re-  
cede.

H. Journal,  
p. 541.

Bill to  
regulate  
claims to  
half pay  
and invalid  
pensions.

In the same session, on the 6th of January, Mr. Lawrance reported from the committee appointed on that subject, on the 1st of December, a bill to ascertain and regulate the claims to half pay, and to invalid pensions, which was then read the first and second time, and committed to a committee of the whole house. The bill was considered in committee on the 13th, and several amendments were reported, which were considered in part on the 24th, and again on the following day, when they were agreed to, and the bill was ordered to the third reading. And on the 26th, the blanks having been filled up, the bill was read the third time and passed. This bill, in the form in which it was sent to the Senate, is as follows:—

Id. p. 489.

Id. p. 466.

Id. p. 492.  
497.

Id. p. 498.

S. Journal,  
p. 379.

Bill as sent  
to Senate.

"Sect. 1. *Be it enacted, by the Senate and House of Representatives of the United States of America, in Congress assembled*—That so much of the resolution of Congress of the 24th of August, one thousand seven hundred and eighty, as declares 'that the resolution of the fifteenth of May, one thousand seven hundred and



41st Congress.  
1st Session.

Bill as sent  
to Senate.

seventy-eight, granting half pay for seven years to the officers of the army who should continue in service to the end of the war, be extended to the widows of those officers who have died, or shall hereafter die, in the service,' shall be deemed and considered to extend to the cases of the widows and orphans of all officers who died or were slain in the said service, at any time between the commencement of hostilities in the late war with Great Britain, and the aforesaid fifteenth day of May, one thousand seven hundred and seventy-eight. And the officers of the treasury are hereby authorized to settle the claims of the widows or orphans of such officers, as the case may be, and to issue certificates for the same in the usual manner.

*"Sect. 2. And be it further enacted—*That such officers as have been disabled in the service of the United States during the late war, whose disability and rate of allowance have been ascertained, pursuant to the acts or regulations of Congress, and who, from an inability to return their whole commutation, as required by the act of the twenty-second day of March, one thousand seven hundred and eighty-three, have not received the said allowance, shall now be entitled to demand and receive the same, returning only such part of the said commutation as will be in due proportion to the said rate of allowance, calculating interest at six *per cent.* on the allowance and proportion of the commutation aforesaid, from the times they respectively became due, or were paid; and that their respective accounts be settled and adjusted accordingly.

*"Sect. 3. And be it further enacted—*That all officers who have been disabled in the actual service of the United States, and whose degree of disability, to be ascertained in the manner hereafter prescribed, may entitle them to be placed on the pension list, at the rate of allowance equal to one-third, or more, of their monthly pay, shall be entitled to demand and receive such allowance during life: *Provided—*That the commutation received by any such officer, shall be settled in the manner, and on the principles, prescribed in the last preceding section.

*"Sect. 4. And be it further enacted—*That any non-commissioned officer, soldier, or seaman, disabled in the actual service of the United States, during the late war, by wounds, or other known cause, who did not desert from the said service, and whose name is not already on the pension list, shall be entitled to be placed on the pension list of the United States, during life, or the continuance of such disability; and shall also be allowed such further sum for the arrears of pension, from the time

S. Jour  
p. 380.

2d Congress.  
1st Session.

Bill as sent  
to Senate.

of such disability, not exceeding the rate of the annual allowance, in consequence of his disability, as the judge of the district, in which they respectively reside, may think just: *Provided*—That in every such case, the rules and regulations following shall be complied with; that is to say:—

“*First.* That the judge of the District Court of the United States, in each district, shall allot the same into convenient divisions, and appoint, in each division, a reputable physician, residing therein, for the examination of invalids, causing due publication thereof to be made in one or more of the gazettes of the district; which physician shall act on oath, and receive the sum of one dollar for each examination.

“*Secondly.* Every applicant shall produce to the physician of the division, the following proofs; namely:—

“A certificate from the commanding officer of the ship, regiment, corps, or company, in which he served, setting forth his disability, and that he was thus disabled while in the service of the United States, on the affidavits of two credible witnesses, to the same effect.

“The affidavits of three reputable freeholders of the city, town, or county, in which he resides, ascertaining, of their own knowledge, the mode of life, employment, labour, or means of support, of such applicant, for the last twelve months.

“*Thirdly.* The physician of the division, upon receipt of the proofs aforesaid, shall forthwith proceed to examine into the nature of the wound, or other cause of disability of such applicant; and having ascertained the degree thereof, shall certify the same, under hand and seal, together with his opinion, whether or not the said disability be the effect of the wound, or injury, sustained while in the service of the United States; which proofs and certificate the said physician shall transmit to the district judge of the United States, within the said district, who shall retain a duplicate thereof, and transmit the originals to the secretary of war, together with his opinion, in writing, what proportion of the monthly pay of such applicant will be equivalent to the degree of disability, ascertained in manner aforesaid.

“*Sect. 5. And be it further enacted*—That the secretary of war, upon the receipt of the proofs, certificate, and opinion, aforesaid, shall cause the same to be duly filed in his office, and place the name of such applicant on the pension list of the United States, in conformity thereto: *Provided, always*—That in any case where the said secretary shall have cause to suspect imposition, he shall have power to withhold the name of such applicant

2d Congress.  
1st Session.

from the pension list, and make report of the same to Congress, at their next session.

Bill as sent  
to Senate.

*"Sect. 6. And be it further enacted—That all non-commissioned officers, soldiers, and seamen, disabled in the actual service of the United States, during the late war, whose disability and rate of allowance have been ascertained pursuant to the regulations prescribed by the late Congress, and have not applied to be placed on the pension list, until after the time limited by the act of Congress for that purpose was expired, shall now be placed on the pension list, and be entitled to demand and receive their respective pensions, according to the allowances ascertained as aforesaid, any thing in this act, or any act of the late Congress, to the contrary notwithstanding.*

*"Sect. 7. And be it further enacted—That from and after the first day of February next, no sale, transfer, nor mortgage, of the whole, or any part of the pension, or arrearages of pension, payable to any non-commissioned officer, soldier, or seaman, before the same shall become due, shall be valid; and every person claiming such pension, or arrears of pension, or any part thereof, under power of attorney or substitution, shall, before the same is paid, make oath or affirmation, before some justice of the peace, of the place where the same is payable, that such power of substitution is not given by reason of any transfer of such pension, or arrears of pension; and any person, who shall swear or affirm falsely in the premises, and be thereof convicted, shall suffer as for wilful and corrupt perjury."*

Bill in Se-  
nate.

This bill received the first reading in the Senate, on the 26th, and, on the 30th, was referred to Messrs. Hawkins, Strong, Ellsworth, Lee, and Izard. Mr. Hawkins, from this committee, on the 21st of February, reported various amendments, and, on the 27th, it was agreed to amend the bill accordingly, and the bill was then ordered to the third reading. The bill being taken up

Motions in  
Senate to  
amend.

on the 28th for the third reading, it was then moved to restore the first section, from the word "that," line 2, which was yesterday rejected, to be read as follows:—

"So much of the resolution of Congress, of the 24th of August, one thousand seven hundred and eighty, as declares, 'That the resolution of the 15th of May, one thousand seven hundred and seventy-eight, granting half pay for seven years to the officers of the army, who should continue in service to the end of the war, be extended to the widows of those officers who have died, or shall hereafter die in the service, shall be deemed and

Id. p.  
384.

Id. p.  
398.

2d Congress.  
1st Session.

Motions to  
amend.

considered to extend to the cases of the widows and orphans of all officers who died or were slain in the said service, at any time between the commencement of hostilities in the late war with Great Britain, and the aforesaid fifteenth day of May, one thousand seven hundred and seventy-eight. And the officers of the treasury are hereby authorized to settle the claims of the widows or orphans of such officers, as the case may be, and to issue certificates for the same in the usual manner."

S. Journal,  
p. 399.

This motion was determined in the negative. It was then moved to restore the second section of the bill, which was yesterday rejected; and this motion was also decided in the negative. It was then moved to expunge these words, *section 4, line 4*, which it was yesterday agreed to insert, after the word "list," to wit: "whose case has not already been determined on." But no question was taken on this motion before the house adjourned.

On the following day, the bill being again before the House Id. p. 400. for consideration, it was agreed to amend the fourth section, to read as follows:—

"*Sect. 4. And be it further enacted*—That any non-commissioned officer, soldier, or seaman, disabled in the actual service of the United States, during the late war, by wounds, or other known cause, who did not desert from the said service, shall be entitled to be placed on the pension list of the United States, during life, or the continuance of such disability, and shall also be allowed such further sum for the arrears of pension, from the time of such disability, not exceeding the rate of the annual allowance, in consequence of his disability, as the Circuit Court of the district in which they respectively reside, may think just."

A motion was then made to subjoin the following *proviso* to the end of the fourth section:—

"*And provided, also*—That the benefit of this act shall extend to the cases of those invalids referred to the secretary of war; and respecting whom he has reported, they would be entitled to pensions as invalids, had they applied in time, and that they should be put on the pension list, according to the allowances in the said report, without taking the measures prescribed by this act to obtain the said pension."

And this motion was also determined in the negative. An unsuccessful motion was then made to subjoin the following clause to the end of the last section of the bill.

"*And be it further enacted*—That from and after the expiration of two years from the passing of this act, no officer, soldier,

2d Congress.  
1st Session.

Motions to  
amend.

or seaman, shall receive any pension, unless such person shall be entitled thereto, in pursuance of an adjudication of the Circuit Court, in the manner prescribed in the second section of this act."

A motion to restore the third section of the bill was decided in the negative, as also was a motion to restore these words to the fourth section, *lines 3 and 4*, "and whose name is not already on the pension list."

It was then determined that the bill pass with the following amendments:—

Amend-  
ments of  
the Senate.

"*Sect. 1, line 2.* After the word 'that,' strike out to the end of the section, and insert 'the operation of the resolutions of the late Congress of the United States, passed on the second day of November, one thousand seven hundred and eighty-five, and the twenty-third day of July, one thousand seven hundred and eighty-seven, so far as they have barred, or may be construed to bar, the claims of the widow or orphans of any officer of the late army, to the seven years' half pay of such officer, shall, from and after the passing of this act, be suspended for and during the term of two years.' S. Jour. P. 400.

"*Sects. 2 and 3.* Strike out the two sections.

"*Sect. 4, line 1.* After 'that,' insert 'any commissioned officer not having received the commutation of half pay, and.' *Lines 3 and 4.* Strike out these words, 'and whose name is not already on the pension list.' *Line 8.* Strike out the word 'judge,' and insert 'Circuit Court.' *Lines 10 to 16.* After the word 'first,' strike out to the word 'examination,' inclusive. *Line 17.* Strike out the word 'secondly.' Same line, after the word 'shall,' insert 'attend the court in person, except where it shall be certified by two magistrates, that he is unable to do so, and shall.' *Line 17.* Strike out these words, 'the physician of the division,' and insert, 'the Circuit Court.' *Line 26.* Strike out these words, '3dly, the physician of the division,' and insert, '2dly, the Circuit Court.' *Lines 29 to 33.* After the word 'same,' strike out to the word 'and.' *Line 33.* Strike out these words, 'the originals,' and insert 'the result of their inquiry, in case, in their opinion, the applicant should be put on the pension list.' *Line 34.* Strike out the word 'his,' and insert 'their.'

"*Sect. 5, line 5.* After the word 'imposition,' insert, 'or mistake.'

"*Sect. 7, lines 1 and 2.* Strike out these words, 'first day of February next,' and insert 'passing of this act.'

9d Congress.  
1st Session.

Amend-  
ments of  
Senate.

“Number the sections conformably to the amendments.

“Amend the title of the bill to read as follows: ‘An act to provide for the settlement of the claims of widows and orphans barred by the limitations heretofore established, and to regulate the claims to invalid pensions.’”

House dis-  
agree.

Senate in-  
sist.

Confer-  
ence.

Senate in-  
sist and a-  
mend.

These amendments were taken up for consideration by the House of Representatives on the 3d, when some of them were adopted, and others were disagreed to. The amendments dis-

H. Journal,  
p. 526.

agreed to were the third, fourth, fifth, sixth, seventh, eighth, ninth, and tenth amendments. All the others were agreed to. On the 5th, the Senate proceeded to consider the resolution of the

S. Journal,  
p. 403.

House of Representatives, and determined to *insist* on the amendments to which the Senate had disagreed, and desired a

conference with the House, appointing Messrs. Ellsworth, Strong, and Rutherford, to be the managers on their part. The House

H. Journal,  
p. 528.

agreed, on the same day, to the conference, and appointed Messrs. Ellsworth, from this committee, made a report to the Senate on

S. Journal,  
p. 407.

the 12th, which, on the 14th, was taken up and agreed to; and the Senate then adopted the following resolution:—

“*Resolved*—That the Senate insist on their amendments to the said bill, to which the House of Representatives have disagreed, and agree further to amend the bill, by inserting, between the fourth and fifth sections, a section as follows; to wit:—

“*And be it further enacted*—That the clerk of the District Court, in each district, shall publish this act in such manner as the judge of the District Court shall think effectual, to give general information thereof to the people of the district, and shall give like information of the times and places of holding the Circuit Courts in such district. And, in districts wherein a Circuit Court is not directed by law to be holden, the judge of the District Court shall be, and he is hereby, authorized to exercise all the powers given by this act to the respective Circuit Courts. And it shall be the duty of the judges of the Circuit Courts respectively, during the term of two years from the passing of this act, to remain at the place where the said courts shall be holden, five days, at the least, from the time of opening the sessions thereof, that persons disabled, as aforesaid, may have full opportunity to make their application for the relief proposed by this act.”

And, on the 16th, the House of Representatives proceeded to consider the amendments of the Senate, to which the House had before disagreed, and determined to recede from their disagree-

House re-  
cede.

H. Journal,  
p. 538.

2d Congress.  
1st Session.

ment to the amendments, and to agree to all the amendments of the Senate to the said bill.

2d Session.

Petitions  
for pen-  
sions.

A number of petitions praying for pensions on account of injuries received during the late war, were presented early in the second session of the second Congress, and were referred to Messrs. Wm. Smith, B. Bourne, and Lee. And, on the 14th of December, 1792, Mr. Smith made a report from this committee, which was referred to a committee of the whole. A letter from the judges of the Circuit Court of North Carolina, containing observations on the act of the last session, entitled "An act to provide for the settlement of the claims of widows and orphans barred by the limitations heretofore established, and to regulate the claims to invalid pensions," had been communicated to Congress by the President of the United States, on the 7th of November, and was referred to the same special committee. The report of this committee was taken up for consideration in committee of the whole on the 31st of December, and, on the 1st of January, 1793, when several amendments were reported; and the report was adopted in the following form:—

H. Jour  
P. 635.

Id. p. 616.

Id. p. 616.

Report of  
committee  
as adopted  
by House.

"Resolved—That in order to prevent the admission of improper claims, and to facilitate the allowance of such as are well founded, it is expedient to repeal the second, third, and fourth sections of the act, entitled 'An act to provide for the settlement of the claims of widows and orphans, barred by the limitations heretofore established, and to regulate the claims to invalid pensions;' and to provide that, in future, the claims for invalid pensions shall be regulated in the manner following; to wit:—

Id. p. 659.

"1st. That all evidence, relative to invalids, shall be taken upon oath, before the judge of the district in which such invalids reside, or before any three persons, specially authorized by commission from the said judge.

"2dly. That the evidence, relative to any claimant, must prove decisive disability to have been the direct effect of known wounds, received while in the actual line of his duty, in the service of the United States, during the late war. That this evidence must be the affidavits of the commanding officer or surgeon of the ship, regiment, corps, or company, in which such claimant served, or two other credible witnesses, to the same effect, setting forth the time and place of such known wound.

"3dly. That every claimant shall be examined by two physicians, upon oath, to be authorized by commission from the said

## HISTORY OF CONGRESS.

### CHAP. V.

### National Defence—Pensions.

2d Congress.  
2d Session.

Report of  
committee.

judge, who shall report in writing their opinion of the nature of the said disability, and in what degree it prevents the claimant from obtaining his livelihood by labour.

*"4thly.* That every claimant shall produce evidence of the time of his leaving the service of the United States, and of his being honourably discharged therefrom. He must also produce evidence of three reputable freeholders of the city, town, or county, in which he resided for the two years immediately after he left the service, as aforesaid, of the existence of his disability during that period, and ascertaining, of their own knowledge, the mode of life, employment, labour, or means of support, of the claimant.

*"5thly.* That the said claimant must produce the evidence of two credible witnesses, of the continuance of his disability, from the expiration of the said two years to the time of his application.

*"6thly.* That each claimant shall show a good and sufficient cause why he did not apply to the state in which he resided, on or before the eleventh of December, one thousand seven hundred and eighty-eight, the time limited for applications of this nature.

*"7thly.* That the evidence of no claimant shall be admitted, whose case had been rejected by any state, prior to the aforesaid eleventh of December, one thousand seven hundred and eighty-eight.

*"8thly.* That the reasonable allowance to such commissioners and physicians aforesaid, for examining the claims of invalids shall be made by the ———, and paid out of such contingent funds as the President of the United States may direct.

*"Resolved—*That the said judge of the district shall transmit a list of such claims, accompanied by the evidence herein directed, to the secretary for the department of war, who shall examine the muster rolls, and other evidences of the late war, in order to prove the services of the said claimants; and the said secretary shall make a statement of the cases of the said claimants to Congress, with such circumstances and remarks as may be necessary, in order to enable them to take such order thereon, as they may judge proper."

Committee  
to prepare  
bill.

It was then ordered that a bill, or bills, be brought in, pursuant to the above resolutions, and that Messrs. Wm. Smith, Benj. Bourne, and Lee, do prepare and bring in the same.

On the 3d of January, Mr. Smith, from this committee, pre-



3d Congress.  
3d Session.

Bill to re-  
gulate the  
claims to  
invalid  
pensions.

presented a bill to regulate the claims to invalid pensions, which H. Jour  
was then read the first and second time, and committed to a com- P. 661  
mittee of the whole house; and on the following day the house in Id. p.  
committee proceeded to consider the said bill, and resumed its 663.  
consideration on the 7th and 8th, when several amendments were  
reported. On the 9th, the bill being still under discussion, a Id. p.  
motion was made to amend the same, by adding to the end 665.  
thereof the following section; to wit:—

*“And be it further enacted—That no person, not on the pension list before the twenty-third day of March, one thousand seven hundred and ninety-two, shall be entitled to a pension, who shall not have complied with the rules and regulations herein prescribed; saving, however, to all persons, all and singular their rights, founded upon legal adjudications, under the act, entitled ‘An act to provide for the settlement of the claims of widows and orphans, barred by the limitations heretofore established, and to regulate the claims to invalid pensions.’ But it shall be the duty of the secretary of war, in conjunction with the attorney general, to take such measures as may be necessary to obtain an adjudication of the Supreme Court of the United States, on the validity of any such rights claimed under the act aforesaid, by the determination of certain persons styling themselves commissioners.”*

The question being put on this motion to amend, it was decided in the affirmative by the following vote:—

*Ayes*—Messrs. Ashe, Baldwin, Boudinot, Clarke, Dayton, Id. p. 6  
Findley, Fitzsimons, Giles, Gordon, Greenup, Gregg, Griffin,  
Grove, Hartley, Heister, Huger, Jacobs, Kitchell, Kittera, Lee,  
Macon, Madison, Mercer, Milledge, Moore, Muhlenberg, Mur-  
ray, Orr, Parker, Schoonmaker, Silvester, William Smith, Steele,  
Sterrett, Sumpter, Tredwell, Venable, White, Williamson, Wil-  
lia.—40.

*Noes*—Messrs. Ames, Barnwell, Benson, S. Bourne, B.  
Bourne, Gerry, Gilman, Hillhouse, Lawrance, Learned, Leo-  
nard, Livermore, Niles, Sedgwick, Jere. Smith, I. Smith, Sturges,  
Thatcher, Tucker, Ward.—20.

The bill, having been then further amended, was, with the amendments, ordered to be engrossed and read the third time to-morrow. And, on the 10th, the bill was read the third time and the blanks therein were filled up. The question was then  
Passed by  
house.  
taken on its passage, and decided in the affirmative, as follows:—

*Ayes*—Messrs. Ashe, Baldwin, Barnwell, Boudinot, Clarke,

2d Congress.  
2d Session.

Findley, Fitzsimons, Gales, Gilman, Gordon, Greenup, Hartley, Heister, Huger, Jacobs, Key, Kitchell, Madison, Mercer, Moore, Muhlenberg, Murray, Orr, Parker, Schoonmaker, Silvester, William Smith, Sterrett, Sumpter, Tredwell, Tucker, Venable, Wadsworth, White, Williamson, Willis.—36.

*Noes*—Messrs. S. Bourne, Goodhue, Hillhouse, Lawrance, Learned, Leonard, Livermore, Niles, Sedgwick, I. Smith, Sturges, Thatcher, Ward.—13.

The bill having been sent to the Senate for their concurrence, *S. Journal*, was there read the first time on the 10th, and, on the follow- *P. 470.*

ing day, received the second reading and was committed to Messrs. Ellsworth, Strong, Sherman, Hawkins, and King. Mr. Ellsworth, from this committee, reported the bill on the 18th, *Id. p. 472.* with amendments, which were taken up for discussion on the 24th, *474.*

Amended  
by Senate.

when they were postponed. On the 28th, the subject was resumed, *Id. p. 476.*

and the bill, after being amended, in conformity to the report of the committee, was ordered to the third reading; and on the 29th the bill, in its amended form, was read the third time and passed. *H. Journal*, *P. 686.*

In the House of Representatives, these amendments were, on the 30th, committed to a committee of the whole house; and on the 1st of February the House went into committee on the sub- *Id. p. 688.*

Disagree-  
ment be-  
tween the  
houses.

ject, when a report was made to the House of agreement to some of the amendments, and disagreement to others. The House

then determined to agree to the amendments of the Senate to the first and second sections, and to disagree to the amendments to the fourth and fifth sections of the bill. The Senate, on the 5th, resolved to *insist* on their amendments to the bill, desired *S. Journal*, *P. 479.*

a conference with the House on the subject of disagreement, and appointed, as managers at the conference on their part, Messrs.

King, Ellsworth, and Strong. On the same day, the House of Representatives agreed to the conference, and appointed Messrs. *H. Journal*, *P. 691.*

Sedgwick, Giles, and Boudinot, to be managers on their part. Mr. King made a report to the Senate, from the managers, on the 18th, as follows:— *S. Journal*, *p. 498.*

“That, on conferring with the managers on the part of the House of Representatives, the managers on the part of the House agreed to recommend to the House, to recede from their disagreement to the last amendment proposed by the Senate; but, that the managers from the two houses did not agree to any report respecting the amendment proposed by the Senate to the 4th section of the bill.

“Whereupon, the managers on the part of this house recom-  
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1st Congress.  
1st Session.

mended, that the Senate do recede from their amendment to the 4th section, so far as respects the words proposed to be inserted in lieu of the words proposed to be expunged; and that they do insist on their amendment, so far as respects the striking out of the words proposed to be struck out in the said 4th section.

“And that the Senate do also insist on their last amendment.”

This report was agreed to by the Senate.

On the 10th, Mr. Sedgwick, from the managers of the House of Representatives, made a report on the subject, and on the same day the House agreed to the amendment of the Senate; but on the following day it was agreed to reconsider the amendments pending between the two houses, and the House then resolved to *adhere* to its disagreement to the amendment insisted on by the Senate to the fourth section, and to *recede* from the amendment insisted on by the Senate to the fifth section of the bill. The Senate, on the 23d, again considered their amendments disagreed to by the House of Representatives, and on the question to recede from their amendment, it was decided in the affirmative, by the following vote:—

H. Journal,  
p. 709.

Id. p. 710.

S. Journal,  
p. 492, 493.

Senate re-  
cede.

*Yeas*—Messrs. Bradley, Brown, Burr, Butler, Dickinson, Edwards, Few, Gunn, Hawkins, Izard, Monroe, Morris, Potts, Rutherford, Taylor.—15.

*Nays*—Messrs. Bassett, Cabot, Ellsworth, Foster, Henry, Johnston, King, Langdon, Read, Robinson, Sherman, Stanton, Strong, Wingate.—14.

1st Congress.  
1st Session.

Relative to  
mode of  
payment of  
pensions.

On the 2d of March, 1791, being the third session of the first Congress, Mr. Schuyler, from a committee of the Senate appointed to revise the laws of the United States, reported a bill entitled “An act to continue in force the act therein mentioned, and to make further provision for the payment of pensions to invalids, and for the support of light-houses, beacons, buoys, and public piers.” The only part of this bill which refers to the invalid pensions, is the second section, which reads as follows:—

1791.

“Sect. 2. *And be it further enacted*—That the yearly pensions which have been allowed by, or in pursuance of, any act, or law, of the United States, to persons who were wounded and disabled during the late war, shall, for the space of one year from the 4th day of March next, be paid out of the treasury of the United States, under such regulations as the President of the United States may direct.”

## CHAP. V.

## National Defence—Pensions.

1791.

1st Congress.  
3d Session.

This bill passed the Senate on the third of March, and was passed in the House of Representatives on the same day.

S. Journal,  
p. 306.  
H. Journal,  
p. 406.

2d Congress.  
1st Session.

Relative to  
mode of  
payment of  
pensions.

At the first session of the second Congress, on the 3d of May, 1792, Mr. King, pursuant to notice given to the Senate on the previous day, introduced a bill to continue the above named act. The rules being dispensed with, the bill went through all its stages on the same day; and on the 4th, the other parts of the bill having undergone modification in the House of Representatives, the bill was passed in that house, under the amended title of "An act to provide for mitigating or remitting the penalties and forfeitures accruing under the revenue laws in certain cases, and to make further provision for the payment of pensions to invalids."

1792.

S. Journal,  
p. 437.  
H. Journal,  
p. 597.

2d Session.

Relief of  
families of  
persons  
killed  
while un-  
der a flag  
of truce.

The President of the United States, in opening the second session of the second Congress, stated to the two houses the fact of the massacre of certain citizens by the Indians, while under the protection of a flag of truce, and suggested the propriety of a provision for the families of the deceased. In committee of the whole house on the speech of the President, this portion of the executive suggestions was made the subject of deliberation, and forms the substance of one of the resolutions reported, being as follows:—

Id. p. 611.

"Resolved—That it is the opinion of this committee, that provision be made by law, for the widows and orphans of those persons who may have been killed, while under the protection of flags of truce to the Indian tribes."

Id. p. 623.

This resolution was agreed to by the House, and on the 22d of November a committee was appointed, consisting of Messrs. Parker, Macon, and Heister, to prepare and bring in a bill, or bills, pursuant to this resolution. On the 28th, Mr. Parker, from this committee, presented a bill to make compensation to the widows and orphans of certain persons, who were killed by Indians, under the sanction of flags of truce, which was read the first and second time, and committed to a committee of the whole house; and on the 3d of January, 1793, the bill was considered in committee, and several amendments were reported, which were taken up by the House on the next day, when some were adopted, and others disagreed to, and the bill was ordered to be read the third time. The bill was, on the 5th of January, read the third time

Id. p. 625.

Id. p. 628.

1793.

Id. p. 661,  
662.

Bill passed  
by House.

S. Journal,  
p. 468.

2d Congress.  
2d Session.

mended, that the Senate do recede from their amendment to the 4th section, so far as respects the words proposed to be inserted in lieu of the words proposed to be expunged; and that they do insist on their amendment, so far as respects the striking out of the words proposed to be struck out in the said 4th section.

“And that the Senate do also insist on their last amendment.”

This report was agreed to by the Senate.

On the 10th, Mr. Sedgwick, from the managers of the House of Representatives, made a report on the subject, and on the same day the House agreed to the amendment of the Senate; but on the following day it was agreed to reconsider the amendments pending between the two houses, and the House then resolved to adhere to its disagreement to the amendment insisted on by the Senate to the fourth section, and to recede from the amendment insisted on by the Senate to the fifth section of the bill. The Senate, on the 23d, again considered their amendments disagreed to by the House of Representatives, and on the question to recede from their amendment, it was decided in the affirmative, by the following vote:—

H. Journal,  
P. 709.

Id. p. 710.

S. Journal,  
p. 492, 493.

Senate re-  
cede.

*Yeas*—Messrs. Bradley, Brown, Burr, Butler, Dickinson, Edwards, Few, Gunn, Hawkins, Izard, Monroe, Morris, Potts, Rutherford, Taylor.—15.

*Nays*—Messrs. Bassett, Cabot, Ellsworth, Foster, Henry, Johnston, King, Langdon, Read, Robinson, Sherman, Stanton, Strong, Wingate.—14.

1st Congress.  
2d Session.

Relative to  
mode of  
payment of  
pensions.

On the 2d of March, 1791, being the third session of the first Congress, Mr. Schuyler, from a committee of the Senate appointed to revise the laws of the United States, reported a bill entitled “An act to continue in force the act therein mentioned, and to make further provision for the payment of pensions to invalids, and for the support of light-houses, beacons, buoys, and public piers.” The only part of this bill which refers to the invalid pensions, is the second section, which reads as follows:—

1791.

“Sect. 2. *And be it further enacted*—That the yearly pensions which have been allowed by, or in pursuance of, any act, or law, of the United States, to persons who were wounded and disabled during the late war, shall, for the space of one year from the 4th day of March next, be paid out of the treasury of the United States, under such regulations as the President of the United States may direct.”

## CHAP. V.

## National Defence—Seamen—Hospitals.

1793.

2d Congress.  
2d Session.Resolu-  
tions of  
House.

mittee of the whole, and Mr. Dayton, the chairman, reported the following resolutions, which were agreed to:—

“*Resolved*—That provision ought to be made, by law, for placing such officers, non-commissioned officers, and privates, of the militia, as have been disabled in the service of the United States, since the ——— day of ———, or shall hereafter be disabled in such service, on the pension list.

“*Resolved*—That provision ought to be made, by law, for establishing such regulations as may be necessary to ascertain the nature and degree of such disabilities, and the annual allowance to be made for the same.”

Bill report-  
ed.Not acted  
on.

It was then ordered that Messrs. Greenup, Hartley, and Barnwell, prepare and bring in a bill, or bills, conforming to these resolutions; and, on the 15th of February, Mr. Greenup, from this committee, presented a bill for placing on the pension list such officers and privates of the militia as may be wounded and disabled in the service of the United States; which was read the first and second time, and committed to a committee of the whole house for the following Monday. But it does not appear that this bill was further acted on.

H. Journal,  
P. 703.1st Congress.  
1st Session.

SEAMEN.

Bill rela-  
tive to hos-  
pitals for  
seamen.

Postponed.

On the 20th of July, 1789, the House of Representatives ordered that Messrs. Smith, of South Carolina, Clymer, and Carroll, be a committee to prepare and bring in a bill, or bills, providing for the establishment of hospitals for sick and disabled seamen, and for the regulation of harbours. And, on the 27th of August, Mr. Smith, from this committee, presented a bill providing for the establishment of hospitals for the relief of sick and disabled seamen, and prescribing regulations for the harbours of the United States; which was then read the first time, and received the second reading on the following day, and was committed to a committee of the whole house. On the 16th of September, the consideration of this bill was postponed until the next session of Congress.

1790.

H. Journal,  
P. 63.

Id. p. 92.

Id. p. 112.

2d Session.

Distressed  
soldiers  
and sea-  
men.

At the second session of this Congress, on the 22d of April, 1790, a committee was appointed by the House of Representatives, consisting of Messrs. Williamson, Parker, and P. Muhlenberg, to prepare and bring in a bill, or bills, for the relief of disabled soldiers and seamen. On the 28th of June, the House considered the reports of the secretary of war, on the petitions

1790.

H. Journal,  
P. 198.

Id. p. 252.

3d Congress.  
2d Session.

Bill passed  
by Senate.

Resolu-  
tion to  
grant pen-  
sions to  
widows  
and or-  
phans.

Bill report-  
ed.

Not finally  
acted on.

Pensions  
to militia  
wounded  
ordisabled.

and passed. In the Senate, the bill was, on the 7th, read the first time, and on the following day, it passed through the other stages. S. Journal, p. 469.

On the 18th of January, 1793, a motion was made in the House of Representatives, as follows:— H. Journal, p. 675.

“*Resolved*—That a committee be appointed to bring in a bill to make provision of half pay for seven years, to the widows and orphans of such officers of the army of the United States, as have been killed in the service since the third day of June, in the year of our Lord one thousand seven hundred and eighty-four, or who may hereafter be killed in the service of the United States.”

It was then ordered that this motion be referred to a committee of the whole house. On the 5th of February, the House resolved itself into committee on this motion, and Mr. Key, the chairman, reported the following resolution, which was agreed to by the House:— Id. p. 691.

“*Resolved*—That provision of half pay for — years, to the widows and orphans of such officers of the army of the United States, as have been killed in the service since the fourth day of March, one thousand seven hundred and eighty-nine, or who may hereafter be killed in the service of the United States, ought to be made by law.”

It was then ordered that Messrs. Hartley, Wadsworth, and Greenup, prepare and bring in a bill, or bills, pursuant to this resolution; and, on the same day, Mr. Hartley presented a bill to make provision of half-pay to the widows and orphans of certain officers, which was read the first and second time, and committed to a committee of the whole house. The bill was considered in committee, on the 8th of February, and several amendments thereto were reported, which, with the bill, were ordered to lie on the table. There was no further action on this bill during this Congress. Id. p. 696.

On the 15th of January a motion was submitted to the House of Representatives, Id. p. 672.

“That a committee be appointed to prepare and bring in a bill for placing on the pension list all such officers and privates of the militia as have been, or shall be, wounded or disabled in the service of the United States, and not provided for by law.”

This motion was referred to a committee of the whole house, and, on the 6th of February, the motion was taken up in com- Id. p. 693.

## CHAP. V.

## National Defence—Seamen—Hospitals.

1799.

2d Congress.  
2d Session.Resolu-  
tions of  
House.

mittee of the whole, and Mr. Dayton, the chairman, reported the following resolutions, which were agreed to:—

*“Resolved—*That provision ought to be made, by law, for placing such officers, non-commissioned officers, and privates, of the militia, as have been disabled in the service of the United States, since the ——— day of ———, or shall hereafter be disabled in such service, on the pension list.

*“Resolved—*That provision ought to be made, by law, for establishing such regulations as may be necessary to ascertain the nature and degree of such disabilities, and the annual allowance to be made for the same.”

Bill report-  
ed.Not acted  
on.

It was then ordered that Messrs. Greenup, Hartley, and Barnwell, prepare and bring in a bill, or bills, conforming to these resolutions; and, on the 15th of February, Mr. Greenup, from this committee, presented a bill for placing on the pension list such officers and privates of the militia as may be wounded and disabled in the service of the United States; which was read the first and second time, and committed to a committee of the whole house for the following Monday. But it does not appear that this bill was further acted on.

H. Journal,  
p. 703.1st Congress.  
1st Session.

SENATE.

Bill rela-  
tive to hos-  
pitals for  
seamen.

Postponed.

On the 20th of July, 1789, the House of Representatives ordered that Messrs. Smith, of South Carolina, Clymer, and Carroll, be a committee to prepare and bring in a bill, or bills, providing for the establishment of hospitals for sick and disabled seamen, and for the regulation of harbours. And, on the 27th of August, Mr. Smith, from this committee, presented a bill providing for the establishment of hospitals for the relief of sick and disabled seamen, and prescribing regulations for the harbours of the United States; which was then read the first time, and received the second reading on the following day, and was committed to a committee of the whole house. On the 16th of September, the consideration of this bill was postponed until the next session of Congress.

1789.

H. Journal,  
p. 63.

Id. p. 92.

Id. p. 112.

2d Session.

Distressed  
soldiers  
and sea-  
men.

At the second session of this Congress, on the 22d of April, 1790, a committee was appointed by the House of Representatives, consisting of Messrs. Williamson, Parker, and P. Muhlenberg, to prepare and bring in a bill, or bills, for the relief of disabled soldiers and seamen. On the 28th of June, the House considered the reports of the secretary of war, on the petitions

1790.

H. Journal,  
p. 198.

Id. p. 252.



1st Congress.  
2d Session.

of James Derry, Benjamin Hardison, Christian Wolfe, Samuel Garretson, and Caleb Brewster, and adopted the following resolution:—

*“Resolved—That the commissioner of army accounts be authorized to settle the accounts of pay of the said James Derry, and Benjamin Hardison, and to issue his certificates for the same in conformity to the reports of the said secretary of war; and that the said Caleb Brewster, Christian Wolfe, and Samuel Garretson, respectively, be placed on the list of pensioners, from the time, and in the manner also reported by the said secretary.”*

Committee  
to prepare  
bill.

It was then ordered, that it be an instruction to the committee appointed to prepare and bring in a bill, or bills, for the relief of disabled soldiers and seamen, that they do insert a clause, or clauses, pursuant to the said resolution.

Bill passed  
by House.

Amended  
in Senate.

Report.

Mr. Williamson, on the 16th of July, from this committee, presented a bill for the relief of disabled soldiers and seamen, and of certain other persons, lately in the service of the United States, which was then read the first time, and received, on the next day, the second reading, and was committed to a committee of the whole house. And, on the 19th, the bill was considered in committee, when an amendment was reported, which was agreed to by the House. The bill was ordered to the third reading on the 27th, and on the following day, it was read the third time, and passed. In the Senate, the bill was read the first and second time, on the 29th, and was committed to Messrs. Schuyler, Gunn, and Bassett. Mr. Schuyler, on the 2d of August, reported various amendments; and it was agreed to amend the bill accordingly. The bill was then ordered to the third reading. On the 6th of August, the Senate proceeded further to consider the report, which is as follows:—

H. Journal,  
p. 271.

Id. p. 272,  
273.

Id. p. 282,  
283.

S. Journal,  
p. 193, 194.

Id. p. 202.

*“That they have examined the vouchers, documents, or cases, of the several persons for whom provision is intended by the bill, as having been disabled whilst in the service of the United States; and, it appears to your committee, that, if they had respectively applied to the commissioners appointed by the several states, in conformity to the acts of the late Congress, they would have received certificates to entitle them to be placed on the list of pensioners. That, in general, for want of information, or through ignorance, they did not apply within the time assigned by the act of the 11th of June, 1788, within which applications were to be made: That, in the opinion of your committee, they are, nevertheless, equitably entitled to the intended relief.*

## CHAP. V.

## National Defence—Seamen.

1790.

1st Congress.  
2d Session.

Report.

"That the relief intended for the other persons in the bill, appears to your committee just and proper.

Amended  
in Senate.

"That your committee are of opinion, that similar relief should be extended to the several other persons who were disabled in the service of the United States, as appears from the documents delivered with this report, and, therefore, prepare the following amendments to the bill:—

Amend-  
ments.

"Sect. 1, line 2. To strike out 'James,' and insert 'Joseph.' S. Journal,

p. 203.

"Line 3d. Strike out 'and,' and, after 'Steele,' insert Joseph Shuttlielf and Daniel Culver.

"Line 6th. After the word 'discharge,' insert 'that Edward Scott, a disabled soldier, be allowed a pension at the rate of three dollars per month, from the date of his discharge. That David Weaver, and George Schell, disabled soldiers, be each allowed a pension, at the rate of two dollars per month, from the date of their respective discharges. That Seth Boardman, a disabled soldier, be allowed a pension, at the rate of three dollars and one-third of a dollar per month, from the 17th day of March, 1786. That Severenus Rock, a disabled captain, of Colonel Jacob Klock's regiment of New York militia, be allowed a pension, at the rate of five dollars per month, from the 20th day of August, 1777. That John Younglove, a disabled major of Colonel Lewis Van Woort's regiment of New York militia, be allowed a pension, at the rate of six dollars per month, from the 30th day of July, 1781. That William White, a disabled private of Colonel Williams' regiment of New York militia, be allowed a pension, at the rate of three dollars and one-third of a dollar per month, from the first day of April, 1786. That Jacob Newkirk, a disabled soldier of Colonel John Harper's regiment of New York state troops, be allowed a pension, at the rate of three dollars per month, from the 22d day of October, 1780."

Bill passed  
by Senate.

The bill, amended to conform to this report, was then read the third time, and passed; and the amendments of the Senate were, on the 9th, concurred in by the House of Representatives. H. Journal, p. 294.

2d Congress.  
1st Session.MARINE  
HOSPITALS.

IN the first session of the second Congress, a member produced certain papers respecting the sale and disposition of the Marine Hospital, in the state of Virginia; and these papers were, on the 14th of November, 1791, referred to the secretary of the treasury for his examination and report; and, on the 17th of April, 1792, the speaker laid before the House a letter from the

1791-92.

H. Journal,  
p. 453.

## CHAP. V.

## National Defence—Individual Claims.

1792-93.

- 1st Congress. secretary of the treasury, accompanying his report on the papers referred to him, concerning a Marine Hospital, at Washington, in Virginia: and also on a memorial of the Marine Society of Boston, on the subject of marine hospitals. This report was then ordered to be referred to Messrs. Ames, Sterrett, and Parker. On the 28th of the same month, Mr. Ames, from this committee, made a report to the House, which was read, and ordered to lie upon the table. There was no further action on the report, except its reference, as will be seen hereafter. H. Journal, p. 580.
- Committee to consider report of treasury. Id. p. 591.
- Report ordered to lie on table.
- Sick and infirm seamen. On the 19th of November, 1792, it was ordered by the House of Representatives, that a committee be appointed to prepare and bring in a bill, or bills, for the relief of sick and infirm seamen; and Messrs. Williamson, Lawrance, Goodhue, B. Bourne, and Barnwell, were appointed of this committee. It was ordered, at the same time, that the report of the secretary of the treasury, concerning marine hospitals, which was made on the 17th of April, and the report of a committee thereupon made on the 28th, be referred to the same committee. Mr. Williamson presented, from this committee, on the 21st of January, a bill for the relief of sick and infirm seamen, which was then read the first and second time, and committed to a committee of the whole house. But the bill was not taken up in committee during the session. Id. p. 621.
- Committee.
- Bill reported, and committed. Id. p. 676.
- Promoting commerce by increase of seamen. The House, likewise, on the 19th of November, appointed a committee, consisting of the same members, to prepare and bring in a bill, or bills, for promoting commerce, by the increase of American seamen. And, on the 22d of January, 1793, Mr. Williamson presented, from this committee, a bill to promote commerce, by the increase of American seamen, which was then read the first and second time, and committed to a committee of the whole house. This bill shared the fate of the other, which emanated from the same committee, and was not again brought under the notice of the House. Id. p. 677.
- Bill reported, and committed.

2d Congress. 1st Session.

THE cases of individuals claiming compensation for losses, or services, during, or in consequence of, the late war, and on which there was legislation, are as follows:—

1790.

JOHN ELY'S PETITION.

JOHN ELY, who claimed for services as a surgeon. His petition was referred to the secretary of war, and on his report being received, it was ordered that Messrs. Trumbull, Mathews, and Burke, be a committee to prepare and bring in a bill for his H. Journal, p. 162, 163, 169, 172, 173.

## CHAP. V.

## National Defence—Individual Claims.

1790.

1st Congress.  
2d Session.

relief. This bill was brought in on the 11th of March, 1790, received the first and second reading, and was committed to a committee of the whole house. This bill was rejected on the 6th of April. A new committee was appointed on this petitioner's case, on the 21st of April, consisting of Messrs. Partridge, Huntington, and Mathews, and a new bill was introduced on the following day, which was read the first and second time, and was committed to a committee of the whole house. This bill was taken up in committee on the 30th of April, and having been reported without amendment, was engrossed and read the third time, and was sent to the Senate. In the Senate, the bill was read the first and second time, and was committed to Messrs. Maclay, Wingate, and Elmer. Mr. Maclay made a report on the 12th of May, and the bill was then rejected.

H. Journal,  
p. 188.Id. p. 197,  
198.Id. p. 206,  
207.S. Journal,  
p. 187.

Id. p. 189.

Bill reject-  
ed.BARON DE  
STEUBEN.

The petition of the Baron de Steuben, for compensation for military services, was presented to the House of Representatives, on the 14th of September, 1789, and was referred to the secretary of the treasury. The report of the secretary was received on the 6th of April, 1790, and was considered on the 19th, when Messrs. Gerry, Wadsworth, Vining, Smith, of South Carolina, and Lawrance, were appointed a committee to bring in a bill. Mr. Gerry, on the 30th, presented a bill for finally adjusting and satisfying the claims of Frederick William de Steuben, which was read the first and second time, and was committed. This bill occupied the House, in committee, during the 4th, 5th, and 6th of May, when it was reported without amendment. On the 7th, the bill being before the House, it was moved to strike out, in the first section, from the word "assembled," in the second line, to the end, as follows:—

H. Journal,  
p. 110.123.

Id. p. 190.

Id. p. 196.

Id. p. 207.

Id. p. 208—  
210.Id. p. 210,  
211.Motions to  
amend.

"That, for the final adjustment and satisfaction of the claims of Frederick William de Steuben, and as well to indemnify him for his sacrifices and expenses in coming to the United States, as to compensate him for his services to them during the late war, (pursuant to the conference between him and a committee of Congress, in the year one thousand seven hundred and seventy-eight, set forth in the documents accompanying his memorial,) there be allowed to the said Frederick William de Steuben—

"The pay and other emoluments of major general and inspector general, specified in the several acts of Congress relating to him, from the tenth day of March, in the year one thousand seven hundred and seventy-eight, to the fifteenth day of April, in the year one thousand seven hundred and eighty-four:

1st Congress.  
2d Session.

Motions to  
amend.

"An annuity, for life, of two thousand seven hundred and six dollars, to commence on the first day of October, in the year one thousand seven hundred and seventy-seven.

"And ——— thousand acres, in the Western territory of the United States, to be located in such manner as shall hereafter be prescribed by law: *Provided*—That the foregoing allowances shall not be construed to include either half pay, or the commutation for half pay."

And the question being put on this motion, it was decided in the affirmative, by the following vote:—

*Ayes*—Messrs. Ashe, Baldwin, Bloodworth, Boudinot, Brown, Contee, Floyd, Foster, Gilman, Goodhue, Grout, Livermore, Moore, Muhlenberg, Van Rensselaer, Schureman, Seney, Sherman, Silvester, Sinnickson, Smith, of Maryland, Steele, Stone, Sturges, Thatcher, Tucker, White, Williamson.—28.

*Noes*—Messrs. Ames, Benson, Bland, Burke, Cadwalader, Carroll, Clymer, Fitzsimons, Gale, Griffin, Heister, Huger, Huntington, Lawrance, Lee, Madison, jr., Page, Scott, Smith, of South Carolina, Vining, Wynkoop.—21.

It was then moved, and agreed to, to insert, in lieu of the words stricken out, the following clause:—

"That, in order to make full and adequate compensation to Frederick William de Steuben, as well for the sacrifices and eminent services made and rendered to the United States during the late war, as for the commutation or half pay promised by the resolutions of Congress, there be paid to the said Frederick William de Steuben the sum of seven thousand dollars, in addition to the moneys already received by him; and, also, an annuity of ——— dollars, during life, to commence on the first of January last, to be paid in quarterly payments at the treasury of the United States; which several sums shall be considered in full discharge of all claims and demands whatever of the said Frederick William de Steuben against the United States."

The bill was then further amended, and was ordered to be engrossed, and read the third time. On the 10th, the bill having been read the third time, it was moved to fill up the blank in the bill as to the amount of the annuity to the Baron de Steuben, with the sum of two thousand seven hundred and six dollars; and the question being put on this motion, it was decided in the negative by the following vote:—

*Ayes*—Messrs. Ames, Benson, Bland, Cadwalader, Carroll, Coles, Fitzsimons, Gale, Gerry, Hartley, Heister, Huger, Hun-

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tington, Lawrance, Lee, Madison, jr., Muhlenberg, Page, Scott, Smith, of South Carolina, Trumbull, Tucker, Vining, Wadsworth, Wynkoop.—25.

*Noes*—Messrs. Ashe, Baldwin, Bloodworth, Boudinot, Brown, Contee, Floyd, Foster, Gilman, Goodhue, Griffin, Grout, Hathorn, Livermore, Mathews, Moore, Parker, Partridge, Van Rensselaer, Schureman, Seney, Sherman, Silvester, Sinnickson, Smith, of Maryland, Steele, Stone, Sturges, White, Williamson.—30.

Bill passed  
by House.

The motion was therefore rejected, and it was then agreed to fill the blank with the sum of two thousand dollars. The question was then put on the passage of the bill, and it was decided in the affirmative, as follows:—

H. Journal,  
p. 213.

*Ayes*—Messrs. Ames, Benson, Bland, Boudinot, Cadwalader, Carroll, Coles, Contee, Fitzsimons, Gale, Gerry, Griffin, Hartley, Heister, Huger, Huntington, Lawrance, Lee, Livermore, Madison, jr., Moore, Muhlenburg, Page, Parker, Scott, Sherman, Smith, of Maryland, Smith, of South Carolina, Trumbull, Tucker, Vining, Wadsworth, White, Wynkoop.—34.

*Noes*—Messrs. Ashe, Baldwin, Bloodworth, Brown, Floyd, Foster, Gilman, Goodhue, Grout, Hathorn, Mathews, Partridge, Van Rensselaer, Schureman, Seney, Silvester, Sinnickson, Steele, Stone, Sturges, Williamson.—21.

The bill was therefore passed and sent to the Senate, where, on the 10th and 11th, the bill received the first and second reading, and was committed to Messrs. Maclay, Strong, Izard, Ellsworth, and Johnston. Mr. Maclay reported the bill on the 24th, and on the 25th the Senate proceeded to consider the report, as follows:—

S. Journal,  
p. 139. 144,  
145.

Motions to  
amend in  
Senate.

“In the second *line*, strike out from the word ‘order,’ inclusive, to the end of the bill, and insert ‘consideration of the eminent services of the Baron de Steuben, rendered to the United States during the late war, there be paid to him an annuity of one thousand dollars, to commence on the first day of January last, to be paid in quarterly payments at the treasury of the United States.’”

On the following day, much debate having taken place, the question was put on agreeing to the report of the committee, and decided in the negative, as follows:—

*Yeas*—Messrs. Ellsworth, Elmer, Few, Hawkins, Johnston, Langdon, Strong, Wingate.—8.

*Nays*—Messrs. Bassett, Butler, Carroll, Dalton, Gunn, Henry, Johnson, Izard, King, Lee, Maclay, Morris, Paterson, Read, Schuyler, Walker.—16.

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Motions to  
amend.

S. Jour  
P. 146.

It was then moved that the opinion of the Senate should be taken, whether two thousand dollars, *line 7*, should stand in the bill; and the question being taken on this motion, it was decided as follows:—

*Yeas*—Messrs. Bassett, Butler, Carroll, Gunn, Henry, Izard, King, Lee, Morris, Read, Schuyler, Walker.—12.

*Nays*—Messrs. Dalton, Ellsworth, Elmer, Few, Hawkins, Johnson, Johnston, Langdon, Maclay, Paterson, Strong, Wingate.—12.

The numbers being equal, the Vice-President determined the question, by giving the casting vote in the affirmative.

A motion was then made to strike out the following words, “the sum of seven thousand dollars, in addition to the moneys already received by him, and also;” and, the question being put, it was decided as follows:—

*Yeas*—Messrs. Butler, Dalton, Ellsworth, Elmer, Few, Hawkins, Johnson, Langdon, Maclay, Paterson, Strong, Wingate.—12.

*Nays*—Messrs. Bassett, Carroll, Gunn, Henry, Johnston, Izard, King, Lee, Morris, Read, Schuyler, Walker.—12.

The vote of the Vice-President being again required, decided this question in the negative.

The third reading of the bill came on on the 27th. An unsuccessful motion was again made to reduce the annuity to one thousand dollars; but a motion to strike out seven thousand in the 6th *line*, was decided in the affirmative. The various sums of “five thousand,” “four thousand five hundred,” and “four thousand,” were then successively moved, and all rejected; and it was then agreed to strike out these words, “the sum of ——— dollars, in addition to the moneys already received by him, and also.” It was likewise determined to strike out these words, “as well for the commutation or half pay provided by the resolutions of Congress.”

It was then moved, to add “five hundred” after the words “two thousand,” in the 7th *line*, thus increasing the amount of the annuity. The question being taken on this motion, it was decided in the following manner:—

*Yeas*—Messrs. Bassett, Butler, Carroll, Gunn, Henry, Izard, King, Lee, Morris, Read, Schuyler, Walker.—12.

*Nays*—Messrs. Dalton, Ellsworth, Elmer, Few, Hawkins, Johnson, Johnston, Langdon, Maclay, Paterson, Strong, Wingate.—12.

The Vice-President, on this occasion, also, being required to vote, decided the question in the affirmative. The bill was then passed, as amended.

Bill passed  
by Senate.

1st Congress.  
2d Session.

On the 28th, the House took up for consideration the amendments of the Senate, when the first, second, and third, having been agreed to, the question was put on the last amendment; namely: to add the words "five hundred" after the words "two thousand," and it was decided in the affirmative, as follows:—

*Ayes*—Messrs. Ames, Benson, Boudinot, Burke, Cadwalader, Carroll, Clymer, Coles, Contee, Fitzsimons, Floyd, Gale, Gerry, Hartley, Heister, Huger, Huntington, Lawrance, Lee, Livermore, Moore, Muhlenberg, Page, Parker, Scott, Silvester, Smith, of South Carolina, Trumbull, Tucker, Vining, White, Wynkoop.—32.

*Noes*—Messrs. Ashe, Baldwin, Bloodworth, Brown, Foster, Gilman, Goodhue, Griffin, Grout, Hathorn, Jackson, Leonard, Mathews, Partridge, Van Rensselaer, Schureman, Seney, Sherman, Sinnickson, Steele, Stone, Sturges, Sumpter, Thatcher, Williamson.—25.

JOHN  
M'CORD,  
Canadian  
refugee.

On the 1st of February, 1790, the petition of John M'Cord, of Quebec, was presented to the House of Representatives, praying to be reimbursed for supplies of money and other necessities, which he furnished to the American army in Canada, in the year 1775. This petition was referred to Messrs. Ames, Fitzsimons, and Boudinot; and, on the 7th of May, Mr. Ames made a report, which was taken up for consideration on the 1st of June, when it was resolved, "that there be paid to the said John M'Cord, the sum of one thousand dollars, in full, for all claims, either of rations or lands, as a Canadian sufferer or refugee." The committee, already appointed, were then instructed to bring in a bill. A bill, to this effect, was reported by Mr. Boudinot on the following day, and immediately went through the various stages, and was sent to the Senate, where, on the 6th and 7th, it was read the first and second time, and committed to Messrs. Morris, Maclay, and Elmer. The bill was reported and amended on the 18th; and was read the third time, and passed, on the next day. On the 22d, the House agreed to the amendment.

H. Journal,  
p. 150—  
152.

Id. p. 211.  
Id. p. 232.

Id. p. 233,  
234.  
S. Journal,  
p. 150, 151.

Id. p. 163.  
H. Journal,  
p. 248.

DAVID  
GOULD.

A petition of the representatives of David Gould, deceased, was presented to the House of Representatives, and referred to the secretary of war, who reported, and the report having been considered by the House, the following resolution was adopted:—

Id. p. 245.  
247.

*Resolved*—That provision ought to be made for paying to Orphans. such of the orphan children of the late Doctor David Gould, who



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died in service during the late war, as were living at the time of his death, or their legal representatives, the sum of one thousand six hundred and eighty dollars, being the amount of the half pay of a captain for seven years, the same being the ratio established as the half pay of a surgeon by the resolves of Congress, of the 17th day of January, 1781."

bill reject-  
ed.

Messrs. Seney, Heister, and Moore, were instructed to bring in a bill; and a bill was reported on the 23d, which was passed through the various stages on the two next successive days. After two readings in the Senate, the bill was committed to Messrs. Wingate, Elmer, and Maclay. After the report of the committee was received, the bill was rejected.

H. Journal,  
p. 248—  
250.  
S. Journal,  
p. 166. 169.  
Id. p. 174,  
175.

THOMAS  
BARCLAY.Services  
consul,  
sumis-  
sioner, and  
gent.

A petition was presented to the House of Representatives, on the 24th of September, 1789, from Thomas Barclay, praying that he might receive compensation for services rendered to the United States, in various public stations in Europe. On the 24th of February, 1790, this petition was referred to Messrs. Clymer, Page, and Sinnickson. Mr. Clymer made a report on the 28th of June, which was considered on the 1st of July, and recommitted to the same committee. Another report was made by Mr. Clymer, on the 24th of July, which was considered on the 27th of July, when the House came to the following resolution:—

H. Journal,  
p. 120.  
Id. p. 163.  
251.  
Id. p. 255.  
Id. p. 278.  
Id. p. 282.

"Resolved—That, in the settlement of the accounts of the said Thomas Barclay, he be allowed, exclusive of expenses charged by him in his said account, namely, as consul in France for three years, the salary appointed by Congress to that office: That, on all goods purchased and shipped by him in Holland for the United States, he be allowed a commission of two and a half *per centum*: That, on the value of all the supplies of goods for the United States, repacked and shipped by him in Holland, and in various ports in France, he be allowed one *per centum*: That, as a commissioner for settling the accounts of receipts and expenditures of public moneys in Europe, for four years, he be allowed at the rate of fifteen hundred dollars *per annum*: That, as agent for negotiating and concluding a commercial treaty with Morocco, he be allowed two thousand dollars."

Messrs. Stone, Clymer, and Page, were instructed to bring in a bill, which was presented by Mr. Clymer on the following day, when, after receiving the first and second reading, it was committed, and considered in committee: several amendments were

H. Journal,  
p. 283.  
Id. p. 285.

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2d Session.

reported, and the bill was ordered to the third reading, and was passed on the next day. In the Senate, the bill was read the first and second time on the 29th and 30th, and was committed to Messrs. King, Morris, and Langdon. Mr. King, on the 3d, reported sundry amendments, which were considered on the 5th, as follows:—

S. Journal,  
p. 193.Amend-  
ments by  
Senate.

“*Line 3.* Strike out the word ‘from,’ and insert the word ‘between.’” Id. p. 194.  
199.

“*Line 4.* Strike out the words ‘one until,’ and insert the words ‘and the.’”

“Same line. Strike out the word ‘seven,’ and insert the word ‘eight,’ so that the bill read thus: ‘between the year 1780 and the year 1788.’”

“Strike out, line 6th to line 9th, these words: ‘as appointed by the late Congress to that office; on all goods purchased and shipped by him in Holland for the United States, a commission of  $2\frac{1}{2}$  per cent.; on the value of all the supplies of goods for the United States, repacked and shipped by him in France and Holland, a commission of one per cent.,’ and insert in their place these words, ‘in lieu of all commissions for business done on account of the United States, according to the resolutions of Congress of the third day of November, 1780.’”

“*Line 10.* Between the word ‘years,’ and the words ‘a salary,’ insert ‘in addition to his actual expenses for office rent, clerks, stationary, and postage.’”

“Same line. Strike out ‘four,’ and insert ‘three.’”

“Same line. Strike out ‘fifteen hundred,’ and insert ‘two thousand.’”

“*Line 11.* Between the words ‘Morocco,’ and ‘the,’ insert these words, ‘in addition to his actual expenses in conducting the same.’”

“*Line 12.* Strike out the word ‘two,’ and insert ‘four.’”

“Same line. Strike out ‘which several allowances shall be exclusive of the account of the private expenses incurred by the said Thomas Barclay, whilst employed as commissioner and agent aforesaid.’”

Passed by  
Senate.

It was then agreed to amend the bill to conform to this report, and, thus amended, the bill was read the third time and passed. Id. p. 200.

Amend-  
ments not  
taken up  
by House.

The amended bill was then returned to the House, but was not acted on by that branch.

2d Session.  
BARCLAY  
and  
WINEY.

At the next session, on the 12th of February, 1791, the petitions of Thomas Barclay and of Jacob Winey, on behalf of himself and others, were presented to the House of Representatives, 1791.  
H. Journal,  
p. 376.

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praying that depreciation may be allowed on certain paper money payments, made them by order of the late Congress, for the freight and valuation of two ships, the property of the petitioners, which were chartered for public service, and afterwards taken by the enemy. The petitions were referred to Messrs. Clymer, Smith, of Maryland, and Partridge; and this committee, on the 19th, was discharged from the further consideration of the petitions, and they were referred to the secretary of the treasury.

H. Journal,  
p. 383.2d Congress.  
1st Session.RALSTON,  
assignee of  
T. BAR-  
CLAY.

ON the 22d of November, the report of the secretary of the treasury on this petition, was made to the House, and ordered to lie on the table. And, on the 21st of December, a petition was presented from Robert Ralston, assignee of the estate of Thomas Barclay, praying that payment might be made to him, as legal representative of Barclay, for the amount of certain claims for services rendered by him to the United States, previously to the 16th day of May, 1791; and this petition was referred to the secretary of the treasury, for examination and report.

1792.

H. Journal,  
p. 625.

Id. p. 652.

Nothing further was done in relation to this claim.

3d Congress.  
1st Session.SARAH,  
WIDOW OF  
THE EARL  
OF STIR-  
LING.

A PETITION of Sarah, the widow of the Earl of Stirling, was presented to the House of Representatives, on the 25th of June, 1790, praying to receive the allowance of seven years' half-pay, due to her deceased husband, as a major-general in the service of the United States, which was referred to the secretary of war, whose report to the House was received on the 27th of July, and was taken up for consideration on the 2d of August, when the House adopted a resolution "that there be paid to Sarah Stirling, the widow of the late Major-general Lord Stirling, the sum of six thousand nine hundred and seventy-two dollars, being the half pay of a major-general in the late American army, for the term of seven years." Messrs. Boudinot, Thatcher, and Ashe, were then directed to bring in a bill. Mr. Boudinot presented, on the 4th of August, a bill making an appropriation for discharging the claim of Sarah Alexander, the widow of the late Major-general Lord Stirling, who died in the service of the United States, which was then read the first time, and, on the next day received the second reading, and was committed, considered in committee, and ordered to the third reading. On the 6th, the bill was passed and sent to the Senate, where it received

1790.

H. Journal,  
p. 250.

Id. p. 282.

Id. p. 286.

Id. p. 288.

Id. p. 289,  
290.

Id. p. 291.

Passed by  
House.

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1st Congress.  
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two readings on the same day, and was committed to Messrs. Schuyler, Butler, and Izard. Mr. Schuyler, on the 7th, reported amendments; namely:—

Amend-  
ments by  
Senate.

“Strike out of the section all subsequent to the word ‘that,’ in the second line, and substitute as follows: “The register of the treasury shall, and is hereby required to, grant unto Sarah, the widow of the late Major general Earl of Sterling, who died in the service of the United States, a certificate, to entitle her to a sum equal to an annuity for seven years’ half pay of a major general; to commence, as from the 14th day of January, 1783, in conformity to the act of the late Congress, passed on the 24th day of August, 1780; the amount for which the said certificate is to be granted, to be ascertained by the secretary of the treasury, and on similar principles as other debts of the United States are liquidated and certified.”

S. Journal,  
p. 203, 204.

“*And be it further enacted*—That the said register shall grant unto Frances Eleanor Laurens, the orphan daughter of the late Lieutenant Colonel John Laurens, who was killed whilst in the service of the United States, a certificate, to entitle her to a sum equal to an annuity for seven years’ half pay of a lieutenant colonel, to commence as from the 25th day of August, 1782, according to the act of the late Congress, of the 24th day of August, 1780; the amount for which the said certificate is to be granted, to be ascertained by the secretary of the treasury, in manner aforesaid.

“And whereas, no provision hath heretofore been made for discharging the arrears of pension due to officers, non-commissioned officers, and soldiers, who were wounded and disabled whilst in the service of the United States; therefore, *Be it further enacted*—That each of the officers, non-commissioned officers, and soldiers, who were so wounded and disabled, and who is now placed on the books, in the office of the secretary in the department of war, as a pensioner, or to be so placed, in conformity to any law of this Congress, shall receive from the register of the treasury, (who is hereby required to grant the same,) a certificate, to be liquidated and settled in such manner as the secretary of the treasury shall direct, for a sum equal to the pension annually due to him, to commence from the time he became entitled thereto, or from the time to which the same had been paid, as the case may be, which shall be ascertained and certified by the said secretary for the department of war, and which annuity shall be liquidated to the 4th day of March, 1789; from which

1st Congress.  
2d Session.

Amend-  
ments by  
Senate.

day the United States have assumed the payment of the pensions certified by the several states; and, in case of the death of any person so entitled, the certificate shall pass to his heirs, or legal representative or representatives.

*“And be it further enacted—*That the widow or orphan of each officer, non-commissioned officer, or soldier, who was killed, or died, whilst in the service of the United States, and who is now placed on the books in the office of the said secretary, is entitled to a pension by virtue of any act of the said late Congress, or any law of this Congress, and for whom provision has not been made by any state, and to whom any arrears of such pension are due, and which have arisen prior to the said 4th day of March, 1789, shall receive a certificate therefor, in like manner, and on the same principles, as certificates are by this act directed to be given to officers, non-commissioned officers, and soldiers, who were wounded or disabled, as aforesaid.

*“Expunge from the title all after the word ‘act,’ and substitute, ‘for the relief of the persons therein mentioned or described.’”*

Bill passed  
by Senate.

It was then agreed to amend the bill so as to conform to this report; and the bill, as thus amended, was passed, and returned to the House of Representatives for concurrence. On the 9th,

House con-  
cur.

the House considered the amendments of the Senate, and agreed to the same.

H. Journal,  
p. 294.

Petition of  
S. Moore,  
respecting  
purchase of  
West  
Point.

On the 4th of May, 1790, a petition was presented to the House of Representatives from Stephen Moore, of North Carolina, praying to receive compensation for the use and value of a certain tract of land, at West Point, in the state of New York, on which had been erected the fortifications and arsenals of the United States, which was referred to the secretary of the treasury. The letter and report of the secretary of the treasury were, on the 10th of June, referred to Messrs. Lawrance, Steele, and Brown. Mr. Lawrance, on the 15th, presented, from this committee, a bill to authorize the purchase of a tract of land for the use of the United States; which was then read the first time, and, on the two following days, received the second and third reading, and was passed.

Id. p. 208.

Id. p. 236.

[H. B. 76.]

Id. p. 242,  
243.

In the Senate, the bill was read the first and second time, on the 17th and 18th, and was referred to Messrs. Izard, Gunn, and Langdon. Mr. Izard, on the 25th, reported the bill without amendment. It was then moved to adopt the following clause thereof:—

S. Journal,  
p. 163. 165.

1st Congress.  
2d Session.

"That it shall be lawful for the President of the United States, and he is hereby authorized, to cause to be purchased, for the use of the United States, the whole, or such part of that tract of land, situate in the state of New York, commonly called West Point, as shall be by him judged requisite for the purpose of such fortifications and garrisons as may be necessary for the defence of the same."

And this question was decided in the affirmative by the following vote:—

*Yeas*—Messrs. Butler, Carroll, Dalton, Few, Gunn, Henry, Johnson, Johnston, Izard, King, Lee, Paterson, Schuyler, Walker.—14.

*Nays*—Messrs. Bassett, Elmer, Langdon, Maclay, Morris, Strong, Wingate.—7.

The bill was then ordered to the third reading; and, on the 28th, the bill was read the third time, and, on the question of its passage, the vote was as follows:—

*Yeas*—Messrs. Butler, Carroll, Dalton, Few, Foster, Hawkins, Henry, Johnson, Johnston, Izard, King, Lee, Paterson, Schuyler, Walker.—15.

*Nays*—Messrs. Bassett, Ellsworth, Elmer, Langdon, Maclay, Morris, Read, Stanton, Strong, Wingate.—10.

**Bill passed.** The bill was therefore passed.

3d Session.

GIBSON.  
GIBSON.

A petition was presented to the House of Representatives on the 24th of January, 1791, at the commencement of the third session of the first Congress, from George Gibson, praying compensation for services rendered to the United States, during the late war. The petition was referred to Messrs. Giles, Vining, P. Muhlenberg, Mathews, and Wadsworth. Mr. Giles, on the 28th, made a report, which was taken up for consideration on the 16th of February, and the first part was disagreed to, in the following words: "That the petitioner, George Gibson, is, in justice, entitled to the sum of ——— dollars from the United States, as a commutation for half pay of a continental colonel, agreeably to former resolutions of Congress." On the 26th, the consideration of the report was resumed, when the House agreed to the latter part of the resolution; which reads as follows:—

"That, in a most critical period during the late revolution, the petitioner undertook a fatiguing, hazardous, and important expedition, of a secret nature, and, by his fidelity and masterly

1791.

H. Journal,  
p. 360,

Id. p. 366.

Id. p. 381.

Id. p. 394.

MAP. V.

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Congress.  
Session.

management in the execution thereof, procured advantages to the United States singularly important, without incurring any, or but a very trivial expense, for which he has hitherto received no compensation; and therefore the committee are of opinion, that he is justly and equitably entitled to the sum of ——— dollars, as a reasonable compensation for his said services."

It was then ordered that Messrs. Giles, Vining, P. Muhlenberg, Mathews, and Wadsworth, prepare and bring in a bill. And on the 28th, Mr. Giles presented a bill to compensate George Gibson, which was then read the first time, and on the following day, received the second reading, and was committed. On the 2d, the bill was considered in committee, when an amendment was reported, which was agreed to; and the question being then taken on the engrossment of the bill, it was decided in the affirmative, by the following vote:—

*Ayes*—Messrs. Ashe, Baldwin, Benson, Boudinot, Brown, Burke, Cadwalader, Carroll, Clymer, Contee, Fitzsimons, Floyd, Gilman, Giles, Hartley, Huntington, Jackson, Lawrance, Lee, Madison, jr., Muhlenberg, Scott, Seney, Sevier, Smith, of Maryland, Smith, of South Carolina, Sumpter, Trumbull, Tucker, Vining, Wadsworth, White, Wynkoop.—33.

*Noes*—Messrs. Ames, B. Bourne, Foster, Hathorn, Leonard, Livermore, Partridge, Van Rensselaer, Schureman, Sedgwick, Sherman, Silvester, Thatcher, Williamson.—14.

On the same day, the bill was passed, and sent to the Senate, where it was read the first time on the same day. The bill was, on the following day, ordered to be postponed till the next session of Congress.

Congress.  
Session.

ew bill.

passed.

At the first session of the second Congress, on the 28th of March, 1792, the Senate appointed Messrs. Morris, King, and Cabot, to report a bill, compensating the services of the late George Gibson; and a bill was reported on the 19th of April, when it was read the first time, and received the second and third reading on the 20th and 23d, when it was sent to the House of Representatives, where it was, on the following day, read the first and second time, and committed to a committee of the whole house; and on the 8th of May, the bill was considered in committee, and no amendment being made thereto, was immediately read the third time, and passed.

1792.

S. Journal,  
p. 417. 439  
—431.H. Journal,  
p. 585, 586.

Id. p. 604.

## CHAP. V.

## National Defence—Individual Claims.

1790.

1st Congress.  
2d Session.DAVID  
COOK.

A PETITION was presented to the House of Representatives, on the 24th of February, 1790, from David Cook, praying compensation for losses in the late war, which was referred to the secretary of war, whose report was made on the 16th of March, and, on the 24th, was committed to Messrs. Burke, Trumbull, and Thatcher. Mr. Burke, on the 5th of April, presented a bill from this committee, entitled a bill for the relief of a certain description of officers therein mentioned; which was read the first and second time, and committed, and passed with an amendment on the 21st of April. In the Senate, the bill was read the first and second time, on the 21st and 22d of April, and was committed to Messrs. Schuyler, Hawkins, and Ellsworth, and was rejected on the 23d of the same month.

H. Journal,  
p. 162, 163.Id. p. 176.  
181.

Id. p. 189.

Id. p. 197.

S. Journal,  
p. 133, 134.

3d Session.

On the 14th of February, 1791, at the third session, the petition of Cook was again presented, and referred to the war department, and a report was received on the 22d, which, on the 26th, was referred to Messrs. Burke, Thatcher, and Mathews. On the 2d of March, Mr. Burke presented a bill for the relief of David Cook, which was then read the first time, and was not afterwards acted on.

1791.

H. Journal,  
p. 378, 385.

Id. p. 399.

2d Congress.  
1st Session.DAVID  
COOK AND  
THOMAS  
CAMPBELL.

At the first session of the second Congress, on the 3d of November, the petition of David Cook, late a captain in the third regiment of artillery of the state of Massachusetts, was again presented, and referred to the committee appointed to prepare a bill for making compensation to widows, orphans, and invalids, in certain cases. Mr. Wadsworth, from this committee, reported, on the 25th, a separate bill for the relief of David Cook, which was then read the first time, and on the 28th, received the second reading, and was committed to a committee of the whole house, by whom it was considered on the first of December, and reported without amendment. The bill was then amended by adding to it a provision for the case of Thomas Campbell, who had applied for a pension on account of wounds; and, thus amended, the bill was passed, and sent to the Senate for concurrence, where, on the 5th and 6th, it received the first and second reading, and was committed to the committee on the bill for making compensation to certain widows, orphans, invalids, and other persons. The bill was reported on the 9th without amendment, and was afterwards passed with the following amendments:—

Id. p. 448.

Id. p. 463.

Id. p. 466.

Id. p. 392.  
466.

Id. p. 467.

S. Journal,  
p. 349.Id. p. 354,  
355.

"Section 1, line 7. After the word 'office,' insert 'a sum equivalent to.'



1 Congress.  
1st Session.

"Section 2, lines 4 to 7. Strike out the words from 'the' to the word 'notwithstanding,' inclusive, and substitute, 'Provided—That he return into the treasury office a sum equivalent to the whole of his commutation of half pay.'"

Bill passed.

On the 14th, the House of Representatives agreed to these amendments.

JOSEPH  
PARMILL.

On the 9th of November, 1791, it was ordered by the Senate, that Messrs. Few, Strong, and Butler, report a bill authorizing the comptroller of the treasury to settle the accounts of Joseph Parmill. Mr. Few reported the bill on the 11th; and on the 14th and 15th it received the first and second reading, and was referred to Messrs. Burr, Wingate, and Sherman. There appears no subsequent proceeding on the Journal in reference to this bill.

S. Journal,  
p. 339, 340.WILMING-  
TON Aca-  
demy.

At the first session of the second Congress, the trustees of the grammar school and academy of Wilmington, in the state of Delaware, presented a petition to the House of Representatives, praying compensation for the injury done to the building during the war, which was referred to the secretary of the treasury. This report was referred, on the 23d of March, 1792, to Messrs. Vining, Mercer, and Ashe. Mr. Vining made a report on the 29th, which was taken up on the following day, when it was considered, and it was resolved,

1792.

H. Journal,  
p. 545.Id. p. 554,  
555.

"That the sum of — be allowed for the use of the grammar school and academy at Wilmington, in the state of Delaware, and that provision by law be made for that purpose."

Messrs. Vining, Mercer, and Ashe, were then directed to prepare a bill. The bill was introduced on the 31st, and was then read the first and second time, and committed to a committee of the whole house. On the 4th of April, the bill was considered in committee, and no amendment being reported, it was ordered to the third reading; and it was read the third time and passed on the next day. In the Senate, this bill was read the first and second time on the 5th and 6th, and was then ordered to the third reading; and on the 10th it was referred to Messrs. Langdon, Read, and Monroe, and, on the 11th, the committee having

Id. p. 562.

Id. p. 563.

S. Journal,  
p. 420, 421.Id. p. 423,  
424.

Bill passed.

reported, the Senate concurred in the bill.

1 Congress.  
2d Session.  
GENERAL  
GREENE.

On the 5th of March, 1790, a petition was presented to the House of Representatives, from Catherine Greene, relict of the late General Greene, praying that an inquiry may be had on the

1790.

H. Journal,  
p. 168.

## CHAP. V.

## National Defence—Individual Claims.

1790.

1st Congress.  
2d Session.

claims and petition of her late husband, as exhibited to the late Congress, on the 22d of August, 1785. This petition was referred to Messrs. Gerry, Boudinot, Parker, P. Muhlenberg, and Smith, of South Carolina. Mr. Gerry made a report from this committee on the 29th of July, and, on the 30th, the report was considered, and the petition was referred to the secretary of the treasury. The secretary made a report to the House on the 26th of December. This report was considered in committee of the whole, on the 10th, 20th, and 23d of January, when they reported that they had come to no resolution thereupon, and the committee were then discharged from further proceeding on the report.

H. Journal,  
p. 285.

3d Session.

1791.

considered, and the petition was referred to the secretary of the treasury. The secretary made a report to the House on the 26th of December. This report was considered in committee of the whole, on the 10th, 20th, and 23d of January, when they reported that they had come to no resolution thereupon, and the committee were then discharged from further proceeding on the report.

H. Journal,  
p. 481.

1792.

H. Journal,  
p. 490, 494,  
495.2d Congress.  
1st Session.

On the 22d of February, 1792, it was moved that the House adopt the following motion:—

Id. p. 517,  
518.General  
Greene.

“Whereas the late Major General Nathaniel Greene, on the 8th day of April, 1783, the more effectually to procure rations and supplies for the southern army of the United States, became bound as surety for John Banks and company, to Newcomen and Collet, merchants in Charleston, for the payment of eight thousand seven hundred and forty-three pounds, fifteen shillings, and six pence, sterling money, being the condition of said bond:—

“And, whereas, on the first day of May, 1786, the balance of principal and interest of said bond, being then eight thousand six hundred and eighty-eight pounds, six shillings sterling, was paid by the said General Greene: Therefore,

“Resolved—That the United States shall indemnify the estate of the said General Greene for the said sum, last-mentioned, and the interest thereof: *Provided*—The executors of the said General Greene shall account for a sum, being about two thousand pounds, be the same more or less, received of John Ferrie, one of the partners of the said Banks and company, to be in part of the indemnification aforesaid; and also shall make over, for the use of the United States, all mortgages, bonds, covenants, or other counter securities whatsoever, now due, which were obtained by the said General Greene, in his lifetime, from the said Banks and company, on account of his being surety for them as aforesaid, to be sued for in the name of the said executors, for the use of the United States.”

This motion was committed to a committee of the whole, and the subject was immediately taken up for consideration in com-

3d Congress.  
1st Session.

General  
Greene.

mittee, occupying the 22d, 23d, and 24th, when the committee reported the motion amended as follows:—

H. Jour.  
p. 5  
520.

“The preamble as it has been already given.

“*Resolved*—That the United States shall indemnify the estate of the said General Greene for the said sum, last mentioned, and the interest thereof, or for such sums, as, upon the investigation, by the officers of the treasury, of the transaction between John Banks and company, with Messrs. Newcomen and Collet, in which General Greene was security for the said Banks and company, it shall appear that neither General Greene, nor his executors, shall have received any payment or compensation for; *Provided*, the executors of the said General Greene shall account for a sum,” &c. &c.

The subject was then discussed, and, being undetermined, was resumed on the 4th of April, when the previous question having been demanded, and it being decided that the main question should be put, the House adopted the resolution by the following vote:—

Id. p.  
562.

*Ayes*—Messrs. Ames, Baldwin, Barnwell, Benson, S. Bourne, B. Bourne, Findley, Fitzsimons, Gerry, Gregg, Hartley, Heister, Key, Kittera, Lawrance, Learned, Lee, Livermore, Muhlenberg, Murray, Page, Sedgwick, Sheridan, William Smith, Sterrett, Thatcher, Vining, Wadsworth, Willis.—29.

*Noes*—Messrs. Ashe, Boudinot, Brown, Clarke, Giles, Gilman, Goodhue, Gordon, Grove, Hillhouse, Jacobs, Kitchell, Macon, Moore, Niles, Seney, Jere. Smith, I. Smith, Steele, Sturges, Sumpter, Silvester, Tredwell, Ward, White, Williamson.—26.

Messrs. Livermore, Page, and Barnwell, were then directed to bring in a bill; and, on the following day, Mr. Livermore introduced a bill to indemnify the estate of the late Major General Nathaniel Greene for a certain bond entered into by him, for the public service, during the late war, which was then read the first time. On the 6th, the bill received the second reading, and a motion was made to commit it to a committee of the whole on the first Monday in August next. The question being taken on this motion, it was decided in the negative by the following vote:—

Id. p. 563.

Id. p.  
565.

*Ayes*—Messrs. Ashe, Clarke, Giles, Grove, Kitchell, Macon, Madison, Moore, Schoonmaker, Seney, Jere. Smith, Steele, Sturges, Sumpter, Tredwell, Venable, Williamson.—17.

*Noes*—Messrs. Ames, Baldwin, Barnwell, Benson, S. Bourne,

2d Congress.  
1st Session.

<sup>1</sup> General  
Greene.

B. Bourne, Brown, Findley, Fitzsimons, Gerry, Gilman, Goodhue, Gordon, Gregg, Griffin, Hartley, Heister, Hillhouse, Huger, Jacobs, Key, Kittera, Lawrance, Learned, Lee, Livermore, Mercer, Muhlenberg, Murray, Niles, Page, Parker, Sedgwick, Sheridan, I. Smith, William Smith, Sterrett, Silvester, Thatcher, Tucker, Vining, Wadsworth, Ward, White, Willis.—45.

The bill was then committed for the following Monday. In the mean time, a petition had been presented from Henry Hill, on behalf of himself and others, praying that in any indemnity which may be granted to the estate of the late Major General Greene, in consideration of his securityship, for the late firm of Hunter, Banks, and company, due regard may be had to the claims of the petitioners and other *bona fide* creditors of the said company. This petition was referred to Messrs. Findley, Bourne, of Rhode Island, and Tucker. A report was made by Mr. Findley, on the 10th, which was then referred to the committee of the whole house, on the bill to indemnify the estate of the late Major General Nathaniel Greene. On the 10th, the bill itself was taken up in committee of the whole, and several amendments were reported, which were agreed to by the House. The question, on the engrossment of the bill for the third reading, was then taken, and decided in the affirmative, as follows:—

H. Journal,  
p. 562. 571.

*Ayes*—Messrs. Ames, Baldwin, Barnwell, Benson, S. Bourne, B. Bourne, Findley, Fitzsimons, Gerry, Giles, Gordon, Gregg, Griffin, Hartley, Heister, Huger, Key, Kittera, Lawrance, Learned, Lee, Livermore, Madison, Mercer, Muhlenberg, Murray, Page, Parker, Sedgwick, Sheridan, Wm. Smith, Sterrett, Thatcher, Venable, Vining, Wadsworth, Willis.—37.

*Noes*—Messrs. Ashe, Boudinot, Brown, Clarke, Goodhue, Grove, Hillhouse, Jacobs, Kitchell, Macon, Moore, Niles, Schoonmaker, Seney, Jere. Smith, I. Smith, Steele, Sturges, Sumpter, Tredwell, Ward, White, Williamson.—23.

Passed by  
House.

On the 11th, the bill was taken up for the third reading, and the question on its passage was determined in the affirmative, by the following vote:—

*Ayes*—Messrs. Ames, Baldwin, Barnwell, Benson, S. Bourne, B. Bourne, Findley, Fitzsimons, Gerry, Giles, Gregg, Griffin, Hartley, Heister, Key, Kittera, Lawrance, Learned, Lee, Livermore, Madison, Mercer, Muhlenberg, Murray, Page, Parker, Wm. Smith, Sterrett, Thatcher, Venable, Vining, Wadsworth, Willis.—33.

*Noes*—Messrs. Ashe, Boudinot, Brown, Clarke, Goodhue, Gordon, Grove, Hillhouse, Jacobs, Kitchell, Macon, Moore,

1 Congress.  
1st Session.General  
Greene.Amended  
by Senate.

Niles, Schoonmaker, Seney, Jere. Smith, I. Smith, Steele, Sturges, Sumpter, Tredwell, Ward, White, Williamson.—24.

The bill was then sent to the Senate, where, on the 11th and 12th, the bill was read the first and second time, and referred to Messrs. Izard, Cabot, Strong, Johnston, and Ellsworth. Mr.

Izard, on the 19th, reported amendments, which were considered on the following day. It was then moved to amend the first paragraph of the bill, conformably to the report of the committee, as follows:—

S. Jour  
p. 424.Id. p.  
430.

*“Be it enacted, by the Senate and House of Representatives of the United States of America, in Congress assembled—That the United States shall and will indemnify the estate of the late General Greene, for the sum of eight thousand six hundred and eighty-eight pounds, six shillings, sterling money, (being the amount due on the first of May, 1786, on a certain bond executed to Messrs. Newcomer, and Collet, by the said General Greene, as surety for John Banks and company,) and the interest thereon: excepting therefrom a certain conditional bond, given in June, 1786, for about one thousand six hundred pounds sterling, (the same more or less,) being part of the aforesaid sum of eight thousand six hundred and eighty-eight pounds, six shillings, which was to be paid only in case the said General Greene should recover from the said Banks, or Banks and company, a sum sufficient for his indemnity.”*

And the question being taken on this motion, it was decided in the affirmative, by the following vote:—

*Yeas*—Messrs. Bradley, Cabot, Carroll, Dickinson, Ellsworth, Few, Foster, Gunn, Hawkins, Henry, Izard, Johnston, Langdon, Morris, Read, Sherman, Stanton.—17.

*Nays*—Messrs. Monroe, Wingate.—2.

It was then further agreed to amend the first *proviso*, in conformity to the report of the committee, as follows:—

*“Provided—It shall appear, upon due investigation by the officers of the treasury, that the said General Greene, in his lifetime, or his executors, since his decease, have not been already indemnified or compensated for the said sum of eight thousand six hundred and eighty-eight pounds, six shillings, except as aforesaid.”*

Passed by  
Senate.

On the 23d, the bill, as amended, was read the third time, and passed; and the amendments received, on the next day, the concurrence of the House of Representatives.

Id. p.  
H. Jour  
p. 585.

## CHAP. V.

## National Defence—Individual Claims.

1792-93.

2d Congress.  
2d Session.JAMES  
WARRINGTON.

Connected with the settlement of General Greene's accounts, is the petition of James Warrington, attorney in fact of Joseph Blachford, surviving partner of Hervies and Blachford, late of Charleston, praying that the sum of seven thousand and fifty-two dollars, and  $\frac{2}{3}$ ths of a dollar, with interest, due from the United States to the estate of John Banks, deceased, may be applied to the discharge of a claim of the petitioner's constituents, against the estate of the late General Greene, on account of his security to them in behalf of the said Banks, on a contract to supply the late southern army with provisions. On the 12th of November, 1792, this petition was referred to Messrs. Giles, Livermore, and Findley. Mr. Giles made a report on the 1st of February, 1793, which was considered on the 20th, when the following resolution was adopted:—

H. Journal,  
p. 615.Id. p. 618.  
Id. p. 688.  
709.

*“Resolved*—That the accounting officers of the treasury cause the sum of nine thousand seven hundred and sixty-eight dollars and ninety cents, charged to John Banks on the 31st day of December, 1783, to be credited to the said John Banks, and that the sum so credited be charged to the account of such other person as, in their opinion, shall be justly chargeable therewith.”

Messrs. Giles, Livermore, and Fitzsimons, were then directed to bring in a bill. A bill was introduced by Mr. Giles on the 21st, which was read the first and second time, and committed. The bill was considered in committee on the 27th, when an amendment was reported, and agreed to, and the bill was ordered to be engrossed for the third reading; and, on the following day, the bill was read the third time, and passed. In the Senate, the bill was read the first and second time, on the 28th of February, and the 1st of March, and was committed to Messrs. Ellsworth, Butler, and Cabot. Mr. Ellsworth reported on the 2d, that the committee be discharged, and the report was agreed to.

Id. p. 711.  
Id. p. 721,  
722.S. Journal,  
p. 498. 500.  
Id. p. 502.

The petition was then referred to the secretary of the treasury, and the further consideration of the bill was postponed till the next session of Congress.

1st Congress.  
2d Session.ANTHONY  
WALTON  
WHITE.

A MEMORIAL was presented to the House of Representatives on the 10th of March, 1790, from Anthony Walton White, late colonel of the first regiment of dragoons in the service of the United States during the late war, praying to be reimbursed for moneys advanced for the support of the said first regiment, which memorial was referred to the secretary of war, with in-

1790.

H. Journal,  
p. 172. 174.

MAP. V.

National Defence—Individual Claims.

1790.

Congress.  
Session.Anthony  
Walton  
White.

struction to examine, and report to the House. The report of the secretary was laid before the House on the 1st of July; and, on the next day, was referred to Messrs. Baldwin, Steele, and Fester. Mr. Baldwin made a report on the 16th, which was considered on the 20th, when the petition was again referred to the war department for a more particular report.

H. Journal,  
p. 255.Id. p. 256.  
271.  
Id. p. 275.

1 Session.

On the 21st of February, 1791, a second report was received from the secretary, which was ordered to lie on the table. It was not taken up for consideration during that session. But in the first session of the second Congress, on the 5th of April, 1792, the report was considered, when so much of the report being read as proposes "That the sum of one hundred and fifty thousand dollars, paper currency, advanced by the memorialist for the support of his regiment of cavalry, during the late war, should be passed to the credit of the memorialist, at its specie value, on the final settlement of his public accounts, either with the state of Virginia, or the United States," it was ordered that this be referred to Messrs. Boudinot, Moore, and Sumpter, with instruction to report a bill; and, on the 18th of April, Mr. Boudinot presented a bill for settling the demands of Anthony Walton White against the United States, which was then read the first time, and, on the next day, received the second reading, and was committed to a committee of the whole house. This bill was considered in committee on the 4th of May, and being reported without amendment, was ordered to be engrossed for the third reading. The bill was read the third time on the 5th, and the question on its passage was determined in the affirmative by the following vote:—

1791.

H. Journal,  
p. 385.

1792-93.

H. Journal,  
p. 563.

Id. p. 580.

Id. p. 581.

Id. p. 597.

Id. p. 599.

*Ayes*—Messrs. Baldwin, Barnwell, Benson, Boudinot, B. Bourne, Clarke, Dayton, Fitzsimons, Gilman, Gordon, Gregg, Griffin, Huger, Kitchell, Lawrance, Lee, Livermore, Muhlenberg, Murray, Page, Parker, Seney, Wm. Smith, Sterrett, Sturges, Silvester, Tucker, Vining, Ward, Willis.—30.

*Noes*—Messrs. Ames, Ashe, S. Bourne, Gerry, Giles, Goodhue, Grove, Heister, Hillhouse, Jacobs, Key, Macon, Niles, Schoonmaker, Jere. Smith, I. Smith, Steele, Sumpter, Thatcher, Tredwell, Venable, White, Williamson.—23.

The bill was then sent to the Senate, where it was read the first time, and then its further consideration was postponed until the next session of Congress.

S. Journal,  
p. 439.

1 Session.

On the 9th of November, the Senate appointed Messrs. Rutherford, Sherman, and Wingate, a committee to bring in a bill

Id. p. 457.

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National Defence—Individual Claims.

1793.

2d Congress.  
2d Session. authorizing the settlement of the demands of Anthony White Walton against the United States; and, on the 21st of February, 1793, a bill was reported by Mr. Rutherford, which was read the first time on the 22d. On the following day, it was read the second time. The question to agree to the enacting clause of the bill was then decided in the negative, and the bill was ordered to the third reading. On the 27th, the bill having been taken up for the third reading, it was ordered that the further consideration be postponed. The bill was not again taken up during this session. S. Journal, p. 491, 492. Id. p. 496.

1st Congress.  
3d Session. A PETITION of Comfort Sands, and others, was presented to the House of Representatives on the 20th of January, 1791, praying that the proceedings of the former Congress, upon a claim of the petitioners against the United States, might now be confirmed, and payment of the claim granted to them. The petition was referred to the secretary of the treasury. A letter and report from the secretary of the treasury, on this subject, were laid before the House on the 25th of February, and referred to Messrs. Sedgwick, Williamson, and Benson, and, on the next day, Mr. Sedgwick made a report, which was ordered to lie on the table. 1791. H. Journal, p. 358. Id. p. 391. 393.

2d Congress.  
1st Session. At the next Congress, on the 21st of December, the consideration of this report was made the order for the following Friday; and, on the last mentioned day, the report was referred to Messrs. Benson, Gregg, and Venable. From this committee, Mr. Benson, on the 27th of April following, presented a bill to confirm an award of referees between the United States and certain contractors, for furnishing supplies of provisions to the army during the late war, which was then read the first and second time, and committed to a committee of the whole house. The bill was considered in committee of the whole on the 1st of May, and an amendment was reported, which was agreed to by the house, when the bill was ordered to be engrossed for the third reading. On the 2d, the bill was read the third time, and, on the question of its passage, the vote stood as follows:— 1791-92. H. Journal, p. 479, 480. Id. p. 591. Id. p. 594, 595.

*Ayes*—Messrs. Ames, Barnwell, Benson, S. Bourne, B. Bourne, Fitzsimons, Goodhue, Gordon, Hillhouse, Lawrance, Learned, Livermore, Page, Schoonmaker, Jere. Smith, I. Smith, Wm. Smith, Sterrett, Sturges, Silvester, Thatcher, Tucker, Vining, Wadsworth, Ward.—25.



1st Congress.  
1st Session.

*Noes*—Messrs. Ashe, Baldwin, Brown, Clarke, Dayton, Giles, Gilman, Gregg, Grove, Heister, Key, Kitchell, Lee, Macon, Madison, Moore, Muhlenberg, Murray, Niles, Parker, Seney, Sheridan, Steele, Sumpter, Venable, White, Williamson.—27.

Bill reject-  
ed.

The bill was thus rejected.

1st Congress.  
1st Session.JOSEPH  
HENDERSON.

ON the 6th of April, 1790, a petition was presented to the House of Representatives from Joseph Henderson, praying compensation for services rendered to the United States, during the late war, as a paymaster in the navy. This petition was referred to the secretary of the treasury, with instruction to him to examine the same, and report his opinion to the House.

1790.

H. Journal,  
P. 189.1st Congress.  
1st Session.

THERE appears to have been no report from the treasury department on the subject of this petition until the 30th of April, 1792, in the first session of the second Congress; and this report was not acted on during that session.

1792-93.  
H. Journal,  
P. 592.

2d Session.

On the 20th of November, at the second session of this Congress, it was moved that there be allowed to Joseph Henderson, ——— *per annum*, in compensation for his services as naval paymaster to the navy board, for the Eastern department, from the 5th day of August, 1778, to ———, 1782. It was then ordered that this motion, and the report of the secretary of the treasury on this case, be committed to a committee of the whole house. The subject was taken up, in committee, on the 22d; but no report being made, the committee of the whole were discharged from the further consideration of the matter, and it was referred to Messrs. Ames, B. Bourne, and Clarke. Mr. Ames made a report on the 2d of January, 1793, which was committed to a committee of the whole. On the 18th, the committee of the whole reported their disagreement to the report of the special committee; but the House refused to confirm this decision, and amended the resolution of the committee of the whole, to read as follows:—

Id. p. 622.

Id. p. 625.

Id. p. 660,  
661.  
Id. p. 675.

“*Resolved*—That there be allowed to Joseph Henderson a yearly salary of one hundred dollars, for his services as paymaster to the navy board for the Eastern department, from the 10th day of August, 1778, to the 10th day of August, 1782, being four years; and that the officers of the treasury be authorized to

CHAP. V.

National Defence—Individual Claims.

1798.

2d Congress.  
2d Session.

pass the same to his credit, and to settle his account accordingly.”

In this form, the resolution was adopted, and Messrs. Ames, B. Bourne, and Clarke, were directed to bring in a bill. Mr. Ames reported a bill on the 25th, which was then read the first and second time, and committed to a committee of the whole house. On the 5th of February, this bill underwent the examination of the committee, and, being reported without amendment, was engrossed for the third reading. The bill was read the third time, and passed, on the following day. In the Senate, the bill received the first and second reading, on the 6th and 7th, and was referred to Messrs. Ellsworth, Gunn, Sherman, Strong, and Wingate. Mr. Ellsworth reported on the 15th, and the bill was read the third time, and passed on the following day.

H. Journal,  
p. 676.

Id. p. 692.

S. Journal,  
p. 480, 481.1st Congress.  
2d Session.HENRY  
EMANUEL  
LUTTER-  
LOW.

On the 14th of April, 1790, at the second session of the first Congress, a petition was presented from Henry Emanuel Lutterloh, praying to be allowed the pay and emoluments of a colonel, in consideration of military services rendered to the United States during the war. This petition was referred to the secretary of war. A report from the secretary was received on the 20th of May, which was referred to a committee, and their report was taken up on the 2d of August, and disagreed to, and the petitioner had leave granted him to withdraw his petition.

1790.

H. Journal,  
p. 193, 220.Id. p. 286,  
287.

3d Session.

At the third session of this Congress, on the 15th of December, a petition was presented to the House from the same individual, praying that his memorial might be reconsidered; and the petition was rejected.

Id. p. 337.

2d Congress.  
1st Session.

ANOTHER petition from this petitioner was presented to the House, on the 7th of December, 1791, at the first session of the second Congress; and the petition was referred to Messrs. Grove, Schoonmaker, and Bourne, of Rhode Island. Mr. Grove made a report from this committee, on the 8th of May, but there was no action on the report during this session.

1791.

H. Journal,  
p. 469, 470.

Id. p. 604.

2d Session.

But, at the second session of this Congress, on the 22d of January, 1793, the report was taken up for consideration, and the House adopted the following resolution:—

1793.

H. Journal,  
p. 677.

“Resolved—That the accounting officers of the treasury cause

## CHAP. V.

## National Defence—Individual Claims.

1793.

1st Congress.  
1st Session.

the account of Colonel Henry Emanuel Lutterloh, for his travelling and passage expenses, incurred in coming to America, and joining the army of the United States, in 1777, being seven hundred and forty-six dollars, to be settled, and the amount thereof to be paid out of the treasury of the United States."

Bill.

It was then ordered that the same committee prepare and bring in a bill; and on the 31st, Mr. Grove, from this committee, introduced a bill, which was then read the first and second time, and committed to a committee of the whole house. The bill was considered in committee, on the 5th of February, and no amendment being reported, was ordered to be engrossed for the third reading. The bill was passed on the 6th, and sent to the Senate, where, on the 6th and 7th, it was read the first and second time, and committed to Messrs. Ellsworth, Gunn, Sherman, Strong, and Wingate. Mr. Ellsworth made a report from this committee on the 15th, and the bill was then rejected.

H. Journal,  
P. 687.

Id. p. 691.

Id. p. 692.

S. Journal,  
P. 480, 481.

Id. p. 487.

1st Congress.  
1st Session.THOMAS  
WISHART.

ON the 29th of November, 1791, a petition was presented to the House of Representatives, from Thomas Wishart, praying the settlement of his account for services as a captain in the late army of the United States. The petition was referred to the secretary of war.

1791.

H. Journal,  
P. 465.

2d Session.

A petition was presented from the same individual at the next session of this Congress, to which the same reference was given. On the 22d of January, 1793, a report was received from the secretary of war; and this report was, on the following day, referred to Messrs. Parker, Gordon, and Ashe. Mr. Parker made a report on the 25th, which was taken up by the House for consideration on the 29th, when the House came to the following resolution:—

1793.

H. Journal,  
P. 671.  
Id. p. 677,  
678.

Id. p. 680.

"*Resolved*—That Thomas Wishart is entitled to the pay of a lieutenant in the army of the United States, from the 15th of November, 1776, until the fifteenth of October, 1781, and that the comptroller of the treasury be authorized to settle and adjust the account of the said Thomas Wishart, accordingly.

Id. p. 685.

It was then ordered that Messrs. Parker, Gordon, and Ashe, bring in a bill. Mr. Parker, on the 31st, presented a bill to authorize the comptroller to settle the account of Thomas Wishart, late a lieutenant in the army of the United States. The bill was, on the 5th of February, considered in committee, re-

Id. p. 687.

Id. p. 689.  
692.

## CHAP. V.

## National Defence—Individual Claims.

1798.

2d Congress.  
2d Session.

ported without amendment, and ordered to be engrossed for the third reading. And, on the 6th, the bill was passed, and sent to the Senate, where, on the same day, and the next, the bill was read the first and second time, and committed to Messrs. Ellsworth, Gunn, Sherman, Strong, and Wingate; and, on the 19th, the bill was passed, with an amendment. The amendment was agreed to by the House of Representatives.

S. Journal,  
p. 480, 481.

Id. p. 480.

H. Journal,  
p. 709.2d Congress.  
1st Session.ELIJAH  
BOSTWICK.

On the 7th of December, 1791, a petition of Elijah Bostwick was presented to the House of Representatives, praying to be reimbursed the amount of certain costs of suit, which he had been compelled to pay, for supplies purchased to the army of the United States, during the late war. This petition was referred to Messrs. Silvester, Key, and Grove. No report was made during the session.

1791—93.

H. Journal,  
p. 469.

A like petition was presented from the same individual, at the next session, on the 4th of December, 1792, which was referred to the same committee. Mr. Silvester made a report on the 14th of January, 1793, which was taken up for consideration on the 6th of February, when the following resolution was adopted:—

Id. p. 632.

Id. p. 633.

*“Resolved—That there be allowed and paid to the said Elijah Bostwick, the sum of fifty-eight pounds, three shillings, and four pence, current money of New York, being the amount of costs which he incurred in defending a suit commenced against him as agent to the deputy commissary general of the northern department, on public account.”*

Messrs. Silvester, Key, and Grove, were then directed to bring in a bill. On the 8th, Mr. Silvester introduced a bill, for the relief of Elijah Bostwick, which was then read the first and second time, and committed to a committee of the whole house.

Id. p. 695.

The bill was considered in committee on the 12th, when an amendment was reported, and the bill was ordered to the third reading. And, on the next day, the bill, as amended, was read the third time, and passed. In the Senate, the bill was read the first and second time on the 14th and 15th, and was committed to Messrs. Ellsworth, Gunn, Sherman, Strong, and Wingate.

Id. p. 700,  
701.S. Journal,  
p. 486, 487.

Mr. Ellsworth reported on the 25th, and on the 28th the report was considered. A motion that the report of the committee of the House of Representatives be read, and also another motion to agree to that report and report the bill, were successively decided in the negative, and the bill was then ordered to the third reading. On the following day, the bill was passed.

Id. p. 494,  
499.

Id. p. 500.

Bill passed.

MAJ. V.

National Defence—Individual Claims.

1791.

Congress.  
Session.SIMEON  
THAYRE.

A PETITION of Simeon Thayre was presented to the House on the 30th of December, 1790, praying to be placed on the list of pensioners, in consideration of a wound received in the service of the United States during the late war. The petition was referred to the secretary of war. A report was received from the secretary on the 26th of February, 1791.

H. Journal,  
p. 346.

Id. p. 393.

Congress.  
Session.

THIS report was, on the 17th of December, 1792, ordered to be committed to a committee of the whole house; and, on the 6th of February, 1793, the report was considered in committee, and the House adopted the following resolution:—

1792-93.  
H. Journal,  
p. 650.  
Id. p. 693.

“Resolved—That Simeon Thayre, late a major in the army of the United States, who was disabled at the battle of Monmouth, be placed on the pension list of the United States: that he be allowed the half pay of a major, from the first of January, 1781, provided he return his commutation of half pay, with the interest thereon.”

Messrs. B. Bourne, Gilman, and I. Smith, were then directed to prepare and bring in a bill. On the 7th, Mr. Bourne presented a bill for the relief of Simeon Thayre, which was read the first and second time, and committed to a committee of the whole house. The bill was considered in committee on the 9th, and an amendment was reported, which was agreed to by the House, and the bill was ordered to be engrossed for the third reading. On the following day the bill was read the third time, and passed. This bill was read the first and second time in the Senate, on the 11th and 12th, and was committed to Messrs. Ellsworth, Gunn, Sherman, Strong, and Wingate. The bill was amended on the first of March, and ordered to the third reading, and, on the next day, the bill was read the third time. An unsuccessful motion was then made to postpone the consideration of the bill to the next session of Congress. The question to concur in the bill as amended, was then decided in the affirmative, by the following vote.

Id. p. 693.  
Id. p. 698,  
699.S. Journal,  
p. 483, 484.  
Id. p. 501.  
Id. p. 502.

If passed.

*Yeas*—Messrs. Bassett, Burr, Dickinson, Edwards, Few, Foster, Gunn, Henry, Johnston, Izard, Monroe, Morris, Potts, Read, Rutherford, Stanton, Taylor.—17.

*Nays*—Messrs. Brown, Butler, Cabot, Ellsworth, Hawkins, King, Sherman.—7.

On the same day, the consideration of the amendment came on in the House of Representatives, when the question to agree

Id. p. 732,  
733.

## CHAP. V.

## National Defence—Individual Claims.

1793.

2d Congress.  
2d Session. to the same, was decided in the negative, by the following vote:—

*Ayes*—Messrs. Ames, Barnwell, Benson, S. Bourne, B. Bourne, Gilman, Gregg, Hartley, Lawrance, Lee, Livermore, Parker, Sedgwick, Wm. Smith, Thatcher, Tredwell, Willis.—17.

*Noes*—Messrs. Boudinot, Clarke, Findley, Fitzsimons, Greenup, Grove, Heister, Kitchell, Macon, Madison, Moore, Muhlenberg, Murray, Niles, Orr, Silvester, Jere. Smith, Steele, Sturges, Sumpter, Williamson.—21.

The Senate then receded from their amendment.

2d Congress.  
1st Session. A PETITION was presented to the House of Representatives on 1792-93.  
the 11th of April, 1792, from Ephraim Kimberty, praying per- H. Journal,  
E. KIM- mission to locate a warrant, received from the board of war, for p. 574.  
BERTY. three hundred acres of western land, on the range of Indian Id. p. 668.  
Short Creek, on the bank of the river Ohio. At the next ses- Id. p. 705.  
2d Session. sion, on the 12th of January, 1793, this petition was referred to Messrs. Hillhouse, Findley, and Greenup. On the 18th of February, Mr. Hillhouse made a report, and the House adopted the following resolution:—

“*Resolved*—That the petitioner be permitted to locate the land warrant, issued in his name, for his services in the late army, upon the land which he now occupies: *Provided*—He do not cover any landholders, under any grant or survey of the United States, heretofore made.”

It was then ordered, that Messrs. Hillhouse, Findley, and Greenup, bring in a bill. The bill was reported on the 28th, Id. p. 723.  
Bill com- when it was read the first and second time, and committed to a  
mitted. committee of the whole house for that day. But it was not af-  
Not acted terwards acted on.  
on.

2d Congress.  
1st Session. ON the 24th of January, 1792, a petition was presented to the 1792.  
House of Representatives from Charles Garanger, in behalf of H. Journal,  
CHARLES himself and his brother, Lewis Garanger, praying compensation p. 495.  
and LEWIS for services rendered during the late war, which was referred to Id. p. 587.  
GARANGER. Messrs. Dayton, Williamson, and Smith, of South Carolina. A report was made from this committee on the 26th of April.

2d Session. This report was not taken up until the next session, when it Id. p. 628.  
was committed, on the 27th of November, to a committee of 630

Congress.  
Session.

the whole house; and, on the 29th, it was considered, and the House passed the following resolution:—

*“Resolved—That the comptroller of the treasury be empowered and directed to adjust and settle the accounts of Lewis Ganger, as a captain of artillery, from the 29th of September, 1780, until the establishment of the peace.”*

Messrs. Madison, Williamson, and Wm. Smith, were directed to prepare and bring in a bill. A bill was introduced on the 6th of December, which was read the first and second time, and committed. On the 1st of January, 1793, the bill was considered in committee, and reported with an amendment, which was agreed to, and the bill was ordered to be read the third time.

H. Journal,  
P. 634.

On the following day the bill was passed, and sent to the Senate, where it was read the first and second time on the 2d and 3d, when the petition and papers were referred to the secretary of war. On the 21st, a report was received from the war department, and, with the bill, was referred to Messrs. Sherman, Hawkins, and Brown. This committee, on the 4th of February, reported a state of facts, and the bill was amended, and ordered to the third reading. On the 9th, the bill was rejected.

Id. p. 660.

S. Journal,  
P. 467.

Id. p. 472.

Id. p. 478.  
483.

I reject-

Further petitions from this petitioner were presented to the Senate on the 11th of February, and to the House of Representatives on the 12th. The latter was referred to the secretary of the treasury, whose report was received on the 2d of March, and was not acted on.

Id. p. 483.

H. Journal,  
p. 700.730.

Congress.  
Session.

THE bills, in the following cases, originated in the Senate.

1789-90.

BARON DE  
GLAUB-  
BEECK.

Session.

A petition was presented to the House of Representatives, on the 15th of May, 1789, from Baron de Glaubeeck, praying the consideration of Congress, for certain losses and military services during the late war. On the 23d of July, 1790, a second petition from this individual was presented, praying the attention of Congress to his former petition. These petitions were, on the 28th, referred to Messrs. Page, Sumpter, and Heister; and, on the 31st, Mr. Page made a report, which was considered on the 21st of September, when the following resolution was passed:—

H. Journal,  
P. 35. 65.

Id. p. 67.

Id. p. 116.

*“Resolved—That the Baron de Glaubeeck be allowed the pay of a captain, while he commanded the legionary corps in the state of North Carolina; to wit: from the 9th day of March, 1781, to the 24th day of August, 1782, having undertaken the command*

CHAP. V.

National Defence—Individual Claims.

1790.

**1st Congress.** thereof at the request and by order of the commander-in-chief  
**2d Session.** of the southern army."

This resolution was sent to the Senate, where it was con- S. Journal,  
curred in on the 24th, and referred to Messrs. Izard, Gray- p. 86, 87.  
son, and Carroll, with instruction to bring in a bill. A bill was  
reported on the same day, and read the first time, and was read Id. p. 91.  
the second and third time on the 29th, and was passed. On the 94.

**Bill passed.** same day, the bill passed through all its stages in the House of  
Representatives, as it was the last day of the session.

**2d Congress.** On the 18th of February, 1793, Mr. Monroe submitted the 1793.  
**2d Session.** following resolution to the Senate for consideration:—

**GENERAL** "Resolved—That the secretary of the treasury be instructed S. Journal,  
**MERCER.** to revise the account of the pension granted by Congress for the p. 489.  
education and board of Hugh Mercer, son of the late General  
Mercer, from its date to the present period, and correct any  
error which may have taken place therein, paying all arrearages,  
if any, now due: and that he likewise pay, hereafter, without ac-  
count, annually, and until his education shall be completed, for  
that purpose, to the guardian of the said Hugh, the sum of four  
hundred dollars."

This motion was, on the 19th, referred to Messrs. Monroe, Id. p. 494.  
Ellsworth, and Butler. From this committee, Mr. Monroe, on  
the 25th, reported a bill, which was then read the first time, and Id. p. 496.  
on the 27th was read the second and third time, and passed,  
with the title "An act providing an annual allowance for the  
education of Hugh Mercer." The bill having received the first  
reading in the House of Representatives on the same day, met H. Journal,  
with opposition, and the question, "Shall the said bill be reject- p. 730.  
ed?" was then put and decided in the negative. The bill was  
then read the second time, and committed to a committee of the  
whole house; and, on the 1st of March, the bill was considered Id. p. 725.  
in committee, and was reported without amendment. The bill

**Bill passed.** was then read the third time, and passed.

**EXETER** At the first session of the second Congress, on the 27th of 1792-93.  
**STORER.** March, 1792, Mr. Cabot presented to the Senate a resolution S. Journal,  
of the legislature of Massachusetts, on the petition of Charles p. 417.  
Knowles and others, late regimental paymasters and agents of  
that state's quota of the continental army, which was referred to  
the secretary of war. On the 27th of February, 1793, the se- Id. p. 497.  
800.



## CHAP. V.

## National Defence—St. Clair's Defeat.

1793.

2d Congress.  
2d Session.

cretary of war made a report to the Senate on the subject, which was referred to Messrs. Cabot, Ellsworth, and Monroe; and, on the 1st of March, Mr. Cabot, from this committee, reported a bill which then went through all the various readings, and was passed, with the title "An act providing for the compensation of Ebenezer Storer." In the House of Representatives, the bill was read the first and second time on the same day, and was committed to a committee of the whole house. The bill was considered the next day in committee of the whole, and was reported without amendment. It was then ordered that the further consideration of the bill be postponed till the next session of Congress.

H. Journal,  
p. 726.

Id. p. 733.

Bill postponed.

2d Congress.  
1st Session.  
ST. CLAIR'S  
DEFEAT.

THE following message was communicated by the President of the United States, to the two houses of Congress, on the 12th of December, 1791.

1791-92.

H. Journal,  
p. 471.*"United States, December 12, 1791.*

*"Gentlemen of the Senate, and of the House of Representatives:—*

Message of  
President.

"It is with great concern, that I communicate to you the information received from Major General St. Clair, of the misfortune which has befallen the troops under his command.

"Although the national loss is considerable, according to the state of the event, yet it may be repaired without great difficulty, excepting as to the brave men who have fallen on the occasion, and who are a subject of public as well as private regret.

"A further communication will shortly be made of all such matters as shall be necessary to enable the legislature to judge of the future measures which it may be proper to pursue.

*"GEORGE WASHINGTON."*

On the 27th of March, 1792, it was moved that the House do come to the following resolution:—

Id. p. 551,  
552.Motion for  
inquiry by  
President.

*"Resolved—*That the President of the United States be requested to institute an inquiry into the causes of the defeat of the army under the command of Major General St. Clair; and, also, into the causes of the detentions or delays which are suggested to have attended the money, clothing, provisions, and military stores, for the use of the said army, and into such other causes as may in any manner have been productive of the said defeat."

A division of the question being demanded, the question was taken on agreeing to the first clause of the resolution, ending

2d Congress.  
1st Session.

St. Clair's  
defeat.

with the words "St. Clair," and was decided in the negative, as follows:—

*Ayes*—Messrs. Ashe, Boudinot, Clarke, Findley, Giles, Goodhue, Heister, Kitchell, Lee, Macon, Page, Parker, Schoonmaker, Seney, Sumpter, Silvester, Thatcher, Tredwell, Venable, Ward, Willis.—21.

*Noes*—Messrs. Ames, Baldwin, Barnwell, Benson, S. Bourne, B. Bourne, Brown, Fitzsimons, Gilman, Gordon, Gregg, Griffin, Grove, Hartley, Hillhouse, Huger, Key, Learned, Livermore, Madison, Mercer, Moore, Muhlenberg, Murray, Niles, Sedgwick, Jere. Smith, I. Smith, William Smith, Steele, Sterrett, Sturges, Vining, White, Williamson.—35.

Negatived. The motion was therefore rejected. It was then moved that the House do come to the following resolution:—

Motion for  
inquiry by  
Congress  
adopted.

"*Resolved*—That a committee be appointed to inquire into the causes of the failure of the late expedition under Major General St. Clair; and that the said committee be empowered to call for such persons, papers, and records, as may be necessary to assist their inquiries." H. Journal,  
p. 552.

And the question on this motion being put, it was decided in the affirmative by the following vote:—

*Ayes*—Messrs. Ashe, Baldwin, S. Bourne, B. Bourne, Brown, Clarke, Findley, Fitzsimons, Giles, Gilman, Gordon, Gregg, Griffin, Grove, Hartley, Heister, Huger, Key, Kitchell, Kittera, Lee, Livermore, Macon, Madison, Mercer, Moore, Muhlenberg, Murray, Niles, Parker, Sedgwick, Seney, Jere. Smith, Steele, Sterrett, Sturges, Silvester, Tredwell, Tucker, Vining, Ward, White, Williamson, Willis.—44.

*Noes*—Messrs. Ames, Barnwell, Benson, Goodhue, Hillhouse, Page, Schoonmaker, I. Smith, Wm. Smith, Sumpter.—10.

It was then ordered that Messrs. Fitzsimons, Giles, Steele, Mercer, Vining, Clarke, and Sedgwick, be appointed the said committee.

On the 4th of April, the House, on motion, adopted the following resolution:— Id. p. 561.

Call on  
President  
for infor-  
mation.

"*Resolved*—That the President of the United States be requested to cause the proper officers to lay before this House such papers of a public nature, in the executive department, as may be necessary to the investigation of the causes of the failure of the late expedition under Major General St. Clair."

Committee  
to wait on  
President.

It was then ordered that Messrs. Fitzsimons, Giles, and Steele,

| CHAP. V.                          | National Defence—St. Clair's Defeat.   | 1792.  |
|-----------------------------------|--|--|
| 92 Congress.<br>1st Session.      | be appointed a committee to wait on the President of the United States, with the foregoing resolution.   |  |
| St. Clair's<br>defeat.            | On the 10th of April, Mr. Gerry was appointed on the committee of inquiry in the room of Mr. Sedgwick; and, on the 12th, Mr. Findley was appointed in the room of Mr. Gerry. Mr. Fitzsimons made a report on the subject, on the 8th of May, when the House adopted a resolution to proceed, early in the next session, to take the said report into consideration, and ordered one hundred copies of the report to be printed for the use of the members of the House.  | H. Journal,<br>p. 571. 577.<br><br>Id. p. 605. |
| Report<br>postponed.              |  |  |
| 2d Session.                       | Soon after the reassembling of Congress, on the 7th of November, 1792, the report of the committee was referred to a committee of the whole house; and, on the 13th, on motion, the House came to the following resolutions:—  | Id. p. 614.<br>619.                            |
| Report<br>committed.              |  |  |
| Calls for in-<br>formation.       | “ <i>Resolved</i> —That the committee of the whole house, to whom is referred the report of the committee appointed to inquire into the causes of the failure of the expedition under Major General St. Clair, be empowered to send for persons, papers, and records, for their information.   |  |
|                                   | “ <i>Resolved</i> —That the secretary of the treasury be directed to cause to be laid before this House a statement of the several disbursements of money made by the department of war, in the years 1790 and 1791.”  |  |
| Docu-<br>ments com-<br>municated. | On the 14th, the speaker laid before the House a letter from the secretary of war, together with a memorial of Samuel Hodgdon, late quarter master general to the army, respectively praying that they may be heard, and permitted to give information and explanations as to the causes of the failure of the expedition; and then the order for the House to go into committee on the subject being called for, it was moved that the committee of the whole be discharged from the consideration thereof; and that the report, with all the documents, including those now presented, be recommitted to Messrs. Fitzsimons, Giles, Steele, Clarke, and Findley. This motion was agreed to, and the whole subject was recommitted. | Id. p. 620.                                    |
| Subject re-<br>committed.         |  |  |
|                                   | Mr. Giles, from this committee, made a revisionary report on the 15th of February, 1793; and this report was committed to a committee of the whole house, for the following Wednesday. But the report was not again taken up for consideration during the session.   | 1793.<br>H. Journal,<br>p. 704.                |
|                                   | On the 2d of March, the House, on motion, adopted the following resolution:—   | Id. p. 733.                                    |

## CHAP. V.

## National Defence—St. Clair's Defeat.

1793.

2d Congress.  
2d Session.St. Clair's  
defeat.Pay of wit-  
nesses.

*Resolved*—That the sum of one dollar per day be allowed to the witnesses who attended the committee appointed to inquire into the causes of the failure of the expedition under General St. Clair, for the time they attended, by order of the committee; and the sum of one hundred and fifty dollars, to the clerk employed by them, for his services, to be paid by the clerk of this House, and charged to the account of contingent expenses."

The following order was also adopted by the House.

Copying  
of papers.

*Ordered*—That the clerk of this House be directed to suffer such persons as have given in statements of their public conduct to the committee appointed to inquire into the causes of the failure of the expedition under General St. Clair, to take copies of all, or any such statements."

H. Journal,  
p. 734.2d Congress.  
1st Session.Resolution  
as to troops  
in Pennsylv-  
vania.

On the 25th of January, 1792, the House of Representatives adopted the following resolution:—

1792.

*Resolved*—That the President of the United States be requested to cause to be laid before this House copies of the official communications which have taken place between the governor of the state of Pennsylvania, and the secretary of war, with respect to the raising of troops within and under the direction of the said state."

H. Journal,  
p. 497.

Messrs. Dayton, Smith, of South Carolina, and Brown, were appointed a committee to wait on the President with the resolution.

The reference to this resolution does not appear on the Journal.

## CHAPTER VI.

Encouragement of Navigation—Light-House Bill—Light-House in Charleston Harbour, and at Sandy Hook, ceded—Bills to erect and finish Light-Houses at Portland Head, Montuk Point, and Bald Head—Registering and clearing Vessels—Enrolling, licensing, and recording Ships—Responsibility of Freighters—Obstructions by Ice—Protection of Fisheries—Seamen in Merchants' Service—Exportation of Goods not duly inspected—New Hampshire Petitions—Trade with other Powers in North America—Mediterranean Trade—Trade with Great Britain and Foreign Nations, generally—Treaty with Emperor of Morocco—Rix Dollar of Denmark—Importations from Rhode Island—Tonnage Acts of Maryland, Georgia, and Rhode Island—Bankruptcy—Relief of Persons imprisoned for Debt—Weights and Measures.

ON the 7th of August, 1789, a motion was made in the House H. Journal of Representatives, and agreed to, that the House come to the P. 73. following order :—

Committee to bring in bill for encouragement of commerce and navigation.

"Ordered—That a committee be appointed to bring in a bill, or bills, for the further encouragement of the commerce and navigation of the United States."

A committee was accordingly appointed, consisting of Messrs. Gerry, Trumbull, and Burke. No report emanated from this committee.

Light-house bill.

On the 2d of June, an instruction was, on motion, given to the committee for introducing a bill to regulate the collection of imposts and tonnage, that they prepare and bring in a bill directing the mode of registering and clearing vessels, ascertaining their tonnage, and for regulating the coasting trade, pilots, and light-houses. And, on the 1st of July, Mr. Gerry, from this com- Id. p. 44.

[H. B. 12.]

mittee, presented a bill for the establishment and support of light-houses, beacons, and buoys, and for authorizing the several states to provide and regulate pilots, which was read the first time, and, on the next day, received the second reading, and was committed to a committee of the whole house. The bill was Id. p. 57. considered in committee on the 17th, and several amendments were reported, which were agreed to by the House, and the bill was ordered to the third reading. On the 20th, the blanks Id. p. 62.

Passed by House.

having been filled up, the bill was read the third time, and passed. The bill was read the first time in the Senate, on the 21st, and on the 23d received the second reading, and was com- Id. p. 63.

1st Congress.  
1st Session.

mitted to Messrs. Morris, Langdon, and Dalton. On the next day, the committee reported amendments to the bill, which were under consideration on the 28th, 29th, 30th, and 31st, when the bill was concurred in with the following amendments:—

Amend-  
ments of  
Senate.

“ In the title of the bill, after ‘ beacons,’ strike out ‘ and,’ and, after ‘ buoys,’ insert ‘ and public piers.’ S. Journal p. 48—51.

“ *Line 1.* Strike out the whole of the section, except the word ‘ that,’ and insert ‘ all expenses which shall accrue from and after the 15th day of August, 1789, in the necessary support, maintenance, and repairs, of all light-houses, beacons, buoys, and public piers, erected, placed, or sunk, before the passing of this act, at the entrance of, or within, any bay, inlet, harbour, or port of the United States, for rendering the navigation thereof easy and safe, shall be defrayed out of the treasury of the United States: *Provided, nevertheless,* that none of the said expenses shall continue to be so defrayed by the United States, after the expiration of one year from the day aforesaid, unless such light-houses, beacons, buoys, and public piers, shall, in the mean time, be ceded to, and vested in, the United States, by the state or states respectively, in which the same may be, together with the lands and tenements thereunto belonging, and together with the jurisdiction of the same.’

“ *Line 11.* Strike out the whole section.

“ *Line 15.* After the word ‘ states,’ insert ‘ in manner aforesaid.’

“ *Line 18.* After the word ‘ contracts,’ strike out the whole of the remaining part of the section, and insert ‘ which shall be approved by the President of the United States, for building a light-house near the entrance of Chesapeake Bay, and for rebuilding, when necessary, and keeping in good repair, the light-houses, beacons, buoys, and public piers, in the several states, and for furnishing the same with all necessary supplies; and also, to agree for the salaries, wages, or hire, of the person or persons appointed by the President for the superintendence and care of the same.’

“ *And be it further enacted*—That all pilots in the bays, inlets, rivers, harbours, and ports, of the United States, shall continue to be regulated in conformity with the existing laws of the states, respectively, wherein such pilots may be, or with such laws as the states may, respectively, hereafter enact for the purpose, until further legislative provision shall be made by Congress.”

House con-  
cur.

On the 3d, the House of Representatives agreed to the amendments, and the bill was passed with the title of “ An act for the establishment and support of light-houses, beacons, and buoys.” H. Journal p. 70.

## CHAP. VI.

## Navigation, &amp;c.—Light-Houses.

1790.

at Congress.  
1st Session.Light-  
house in  
Charleston  
harbour,  
ceded.Light-  
house at  
Sandy  
Hook,  
New York,  
ceded.Bill to a-  
mend  
light-house  
act.

[H. B. 84.]

Bill passed.

Bill to  
finish light-  
house at  
Portland  
Head,  
Maine.

[H. B. 97.]

Bill passed.

On the 26th of February, 1790, the members from South Carolina presented to the House a copy of an act of that state, entitled "An act for ceding to, and vesting in, the United States, the light-house on Middle Bay Island, within the bar of Charleston harbour." And on the 27th of April this act was referred to the secretary of the treasury, with instruction to examine the same, and report his opinion thereupon to the House.

H. Journal,  
p. 164.

Id. p. 203.

The President of the United States, in a message to the two houses, on the 5th of April, transmitted an act of the legislature of New York, entitled "An act for vesting in the United States of America the light-house, and lands thereunto belonging, at Sandy Hook." This exemplification of the act of New York was then committed to Messrs. Page, Benson, and Seney. This committee was discharged from the consideration of the act, on the 28th of April, and it was referred to the secretary of the treasury, with instruction to take order pursuant thereto.

Id. p. 189.

Id. p. 203.

On the 14th of July, the House appointed a committee, to consist of Messrs. Smith, of South Carolina, Sinnickson, and Foster, to prepare and bring in a bill to amend the act "for the establishment and support of light-houses, beacons, buoys, and public piers;" and on the same day, the bill was introduced, read the first and second time, and ordered to the third reading. On the next day, it was read the third time and passed. The bill went through its several stages in the Senate, on the 16th, 17th, and 19th, and was passed.

Id. p. 269,  
270.S. Journal,  
p. 181, 182.

The House of Representatives, on the 5th of August, came to the following resolution:—

H. Journal,  
p. 289.

"Resolved—That the secretary of the treasury, under the direction of the President of the United States, do take measures for finishing the light-house at Portland Head, in the district of Maine:—*Provided*, the expense in finishing the same do not exceed fifteen hundred dollars."

Messrs. Thatcher, Partridge, and Trumbull, were then directed to bring in a bill. The bill was introduced on the same day, was read the first and second time, considered in committee, and ordered to be engrossed; and on the next day, it was read the third time and passed. In the Senate, the bill passed through the various stages on the two next succeeding days.

Id. p. 290,  
291.S. Journal,  
p. 200, 203.

The Senate bill [No. 23] "to continue in force the act therein mentioned, and to make further provision for the payment of pensions to invalids, and for the support of light-houses, beacons, buoys, and public piers," has not been noticed in the preceding chapter.

## CHAP. VI.

## Navigation, &amp;c.—Light-Houses.

1792.

2d Congress.  
1st Session.Bill to  
erect light-  
house on  
Montuk  
Point.

On the 1st of March, 1792, the Senate appointed Messrs. Burr, Gunn, and Morris, to be a committee to consider the expediency of building a light-house on Montuk Point, on Nassau Island, in the state of New York; and, if they deemed it expedient, to report a bill. Mr. Burr, on the 6th, reported a bill which was then read the first time; and on the 15th, several amendments were made, and the bill was then recommitted, with an instruction to report such further amendments as, on inquiry, may be found requisite. Mr. Burr, on the following day, reported amendments, which were agreed to, and, on the 19th, the bill was passed, and sent to the House of Representatives, where it was read the first and second time on the 20th, and committed to a committee of the whole house; and on the 7th of April, it was considered in committee, and no amendment being made, was read the third

S. Journal,  
p. 401. 404.

Id. p. 410.

S. Journal,  
p. 411.H. Journal,  
p. 541.

Id. p. 567.

Bill passed. time, and passed.

Bill to  
finish light-  
house on  
Bald Head,  
N. Caro-  
lina.

On the 2d of March, the House of Representatives appointed a committee, consisting of Messrs. Grove, Key, and Barnwell, to bring in a bill for finishing the light-house on Bald Head, at the mouth of Cape Fear river, in North Carolina; and, on the 5th, Mr. Grove presented a bill, which was read the first and second time, and committed to a committee of the whole house.

Id. p. 525.  
527.Id. p. 545.  
547.

[H. B. 168.] The bill was considered in committee on the 23d of March, when it was reported without amendment, and ordered to be engrossed. On the next day, the blank being filled up, it was read

Bill passed. the third time and passed. In the Senate, on the 26th and 27th, the bill was read the first and second time, and was referred to Messrs. Johnston, Langdon, and Sherman. The committee reported on the 28th, when the bill was read the third time, and concurred in.

S. Journal,  
p. 416, 417.Bill sup-  
plementa-  
ry to light-  
house act.

In the Senate, on the 5th of April, Mr. Izard, from a committee appointed on the 2d, reported a bill supplementary to the act for the establishment and support of light-houses, beacons, buoys, and public piers, which was then read the first time, and, on the next day, having been read the second time and amended,

Id. p. 419,  
420.

Id. p. 421.

Bill passed. was read the third time and passed. The House, on the 7th, proceeded to act on this bill, when it went through all its stages, and was returned to the Senate with an amendment, and, on the 9th, the Senate agreed to the amendment.

H. Journal,  
p. 567.S. Journal,  
p. 422.

2d Session.

The following order was passed by the House of Representatives on the 26th of February, 1793:—

1793.

H. Journal,  
p. 719.

“Ordered—That a committee be appointed to bring in a bill to provide for the expense of supporting light-houses not ceded



MAP. VI.

Navigation, &amp;c.—Registering and Clearing Vessels, &amp;c.

1798.

**Congress. Session.** to the United States, and that Mr. Fitzsimons, Mr. Griffin, and Mr. Tredwell, be the said committee; and, on the following day, Mr. Fitzsimons reported a bill supplementary to the act for the establishment and support of light-houses, beacons, buoys, and public piers, which was then read the first and second time, and committed to a committee of the whole house. The bill was then considered in committee, and several amendments were reported, which were agreed to by the House, and the bill was ordered to be engrossed. On the 28th, the bill was read the third time and passed. In the Senate, the bill received the first reading on the same day, and, on the 1st of March, was read the second and third time, and passed.

**Bill passed.**

**H. Journal,**  
P. 722.  
**S. Journal,**  
p. 498. 500.

**Congress. Session.** THE same committee to whom was deputed the first light-house bill, was also instructed to bring in a bill directing the mode of registering and clearing vessels, ascertaining their tonnage, &c. In pursuance of this instruction, Mr. Gerry, on the 24th of July, 1789, introduced, from this committee, a bill for registering and clearing vessels, ascertaining their tonnage, and for regulating the coasting trade, which was then read the first time; the bill was read the second time on the 28th, and committed to a committee of the whole house, and the House then went into committee on the bill. The subject occupied the committee on the 29th and 30th, when several amendments were reported, which were agreed to on the following day, and the bill was ordered to the third reading. On the 3d of August, this bill was recommitted to the committee of the whole; and on the next day the bill, having again passed through committee, by whom several amendments were reported, was ordered to the third reading. On the 5th, the bill was read the third time, and passed, with the following title: "An act for registering and clearing vessels, regulating the coasting trade, and for other purposes." In the Senate, this bill received the first reading on the 6th, and, on the 10th, was read the second time, and committed to Messrs. Morris, Dalton, Langdon, Butler, and King. Mr. Morris reported sundry amendments on the 17th, which were considered on the 20th, 21st, 22d, and 25th, when the bill was concurred in with sixty-nine amendments. The consideration of these amendments occupied the House on the 26th and 27th, when the whole of them were agreed to, with two verbal amendments to the 3d and 57th amendments of the Senate; and these amend-

**1789.**

**H. Journal,**  
P. 44. 65.

**Id. p. 67, 68.**

**Id. p. 69.**

**Id. p. 70, 71.**

**Id. p. 72.**

**S. Journal,**  
p. 55. 58.

**Id. p. 59.**

**Id. p. 62.**

**H. Journal,**  
P. 91.

## CHAP. VI.

## Navigation, &amp;c.—Registering and Clearing Vessels, &amp;c.

1790.

- 1st Congress. 1st Session.** ments being returned to the Senate, the amendments of the House were, on the 30th, considered and concurred in. **S. Journal, p. 67.**
- Bill to explain and amend registering and clearing acts.** Leave was given by the House of Representatives, on the 22d of September, to bring in a bill to explain and amend the act, entitled "An act for registering and clearing vessels, regulating the coasting trade, and for other purposes;" and Messrs. Bland, Goodhue, and Benson, were appointed of said committee. The bill was introduced by Mr. Bland on the next day, when it was read the first and second time, and ordered to the third reading. And on the next day, the bill was read the third time, and, a blank having been filled up, was passed, and sent to the Senate, where it was read the first time on the 24th; and, on the 26th, was committed to Messrs. Read, Morris, and Dalton. From this committee, on the 28th, the following amendment was reported:— **H. Journal, p. 118, 119.**
- [H. B. 33.]** "And be it further enacted—That so much of an act, entitled 'An act to regulate the collection of the duties imposed by law on the tonnage of ships or vessels, and on goods, wares, and merchandises, imported into the United States;' as hath rated the rouble of Russia at one hundred cents, be, and the same is hereby, repealed, and made null and void."
- Bill passed.** This amendment was adopted, and the bill was then passed. The amendment of the Senate was, on the same day, concurred in by the House. **H. Journal, p. 86, 90, 91.**
- 2d Session.** A letter from the secretary of the treasury was laid before the House of Representatives, on the 23d of April, 1790, "respecting difficulties which have occurred in the execution of the several laws for collecting duties on goods, wares, and merchandises, and on tonnage, and for regulating the coasting trade;" and this letter was referred to Messrs. Goodhue, Lawrance, Boudinot, Fitzsimons, and Lee. On the 22d of July, Mr. Goodhue presented a bill for registering ships or vessels, for regulating those employed in the coasting trade and fisheries, and for other purposes, which was then read the first and second time, and committed to a committee of the whole house. On the 27th of July, it was moved that the further consideration of this bill be postponed until the next session of Congress, and this motion was decided in the affirmative. **H. Journal, p. 128.**
- Bill for registering ships, &c.** **[H. B. 89.]** **Postponed.** **Id. p. 275, 276.** **Id. p. 282.**

**2d Congress. 1st Session.**

On the 28th of October, 1791, the House of Representatives appointed Messrs. Goodhue, Fitzsimons, and Learned, a com-

**1791-2.**  
**H. Journal, p. 442.**

1st Congress.  
1st Session.

Bill con-  
cerning re-  
gistering  
ships.

H.B.155.]

mittee to bring in a bill for registering ships or vessels, and for regulating those employed in the coasting trade and fisheries; and, on the 30th of November, a bill was reported by Mr. Goodhue “concerning the registering or recording of ships or vessels,” which was read the first and second time, and committed to a committee of the whole house. There appears to have been no further action on this bill.

H. Journal,  
p. 465.

Bill for en-  
rolling and  
licensing  
ships.

H.B.167.]

And on the 3d of March, 1792, Mr. Goodhue presented a bill for enrolling and licensing ships or vessels, to be employed in the coasting trade and fisheries, which was read the first and second time, and committed to a committee of the whole house. This bill was taken up for consideration in committee on the 26th of April, and some progress was made, when the committee rose. The bill was not afterwards resumed.

Id. p. 526.

Id. p. 590.

2d Session.

Bill con-  
cerning re-  
gistering  
and record-  
ing ships.

H.B.195.]

On the 7th of November, 1792, the House of Representatives appointed a committee, consisting of Messrs. Goodhue, Fitzsimons, and Parker, to prepare and bring in a bill for registering ships or vessels, and for regulating those employed in the coasting trade and fisheries. Mr. Goodhue, on the 15th, presented a bill concerning the registering and recording of ships or vessels, which was then read the first and second time, and committed to a committee of the whole house. The bill was considered in committee on the 22d, and no amendment having been reported, was ordered to the third reading. And, on the 26th, the bill was read the third time, and passed, and was sent to the Senate, where it received the first reading on the same day. On the 3d, the bill was referred to Messrs. Butler, Cabot, Morris, Monroe, and King. A report was made from this committee on the 11th, when the consideration of the amendments of the committee was taken up. It was then moved to expunge the following *proviso*, in the first section of the bill:—

1792.

H. Journal,  
p. 614.

Id. p. 620.

Id. p. 625.

Id. p. 626.

S. Journal,  
p. 460—  
462.

“*Provided*—That they shall not continue to enjoy the same longer than they shall continue to be wholly owned, and to be commanded by a citizen or citizens of the United States.”

The question being taken on this motion, it was decided in the negative, by the following vote:—

*Yeas*—Messrs. Brown, Butler, Edwards, Few, Izard.—5.

*Nays*—Messrs. Bassett, Bradley, Cabot, Dickinson, Ellsworth, Foster, Hawkins, Henry, Johnston, King, Langdon, Monroe, Morris, Read, Robinson, Sherman, Stanton, Strong, Wingate.—19.

## CHAP. VI.

Navigation, &amp;c.—Registering and Clearing Vessels, &amp;c.—Freighters, &amp;c.

1792-93.

2d Congress.  
2d Session.

Bill passed.

Several amendments reported by the committee were then agreed to, and the bill was ordered to the third reading; and on the 12th of December, the bill, as amended, was read the third time and passed. The House considered the amendments of the Senate on the 14th, and resolved to agree to the amendments to the fifth section, and to disagree to the amendment to the seventeenth section; and, on the 17th, the Senate receded from that amendment.

H. Journal,  
p. 649.S. Journal,  
p. 464.

On the 27th of November, Mr. Goodhue reported also a bill for enrolling and licensing ships or vessels to be employed in the coasting trade and fisheries, and for regulating the same, which was read the first and second time, and committed to a committee of the whole house. The bill was taken up for consideration, in committee, on the 6th of December, when several amendments were reported, which were agreed to by the House on the 13th, and the bill was then ordered to lie on the table. The consideration of these amendments was resumed on the 18th, when the bill and amendments were recommitted to Messrs. Goodhue, Fitzsimons, and Parker. From this committee, on the 20th, several amendments were reported, which were agreed to, and the bill was ordered to the third reading. The bill was read the third time on the 24th, and the blanks having been filled up, it was passed and sent to the Senate, where the bill was read the first time on the 26th, and, on the 31st, was referred to Messrs. Cabot, Morris, Bradley, Langdon, and Monroe. Mr. Cabot, from this committee, on the 29th of January, 1793, reported the bill with amendments; and the amendments were ordered to be printed. The report of the committee was adopted by the Senate on the following day, and, on the 31st, the bill was further amended, and ordered to the third reading. Further amendments were made on the 7th of February, when the bill was passed, as amended. On the 9th, the House of Representatives referred the amendments of the Senate to Messrs. Goodhue, Fitzsimons, and Parker. The committee made their report on the same day, and the House then concurred in the amendments.

H. Journal,  
p. 637.Id. p. 635.  
637.

Id. p. 650.

Id. p. 651.

Id. p. 652.

S. Journal,  
p. 465, 466.Id. p. 476.  
477.

Id. p. 481.

H. Journal,  
p. 698.1st Congress.  
3d Session.

Bill concerning responsibility to freighters.

On the 24th of December, 1790, the House of Representatives ordered the appointment of a committee to prepare and bring in a bill, or bills, to ascertain how far owners of ships and vessels shall be liable to the freighters of goods shipped on board thereof; and Messrs. Fitzsimons, Foster, and Silvester, were appointed of

1790.

H. Journal,  
p. 342.

MAP. VI.

Navigation, &amp;c.—Freighters, &amp;c.—Fisheries.

1790-91.

1st Congress.  
1st Session.

H.B.107.]

Bill concern-  
ing unloading  
cargoes in  
cases of ob-  
struction  
by ice.

H.B.109.]

Bill passed.

1st Congress.  
1st Session.  
Representa-  
tion of  
Massachu-  
setts on the  
subject of  
the fisher-  
ies.1st Congress.  
1st Session.Bill for pro-  
tection of  
cod fisher-  
ies.

this committee; and, on the 27th, Mr. Fitzsimons, from this committee, presented a bill to ascertain how far the owners of ships and vessels shall be answerable to the freighters, which was then read the first time, and was read the second time, and committed to a committee of the whole house. But this bill was not afterwards acted on.

It was ordered by the House of Representatives, on the 27th of December, that a committee be appointed to prepare and bring in a bill to enable the collector of the district of Pennsylvania to permit the landing of goods at other places within his district than the port of Philadelphia, when the navigation of the river Delaware shall be obstructed by ice; and Messrs. Fitzsimons, White, and Brown, were appointed of this committee. And, on the following day, Mr. Fitzsimons, from this committee, reported

such bill, which then received the first and second reading, and was committed to a committee of the whole house. This bill was considered in committee on the 29th, when several amend-ments were reported, and the bill was then ordered to the third reading. On the 30th, the bill was read the third time and

passed, the title being "An act to provide for the unloading of ships or vessels, in cases of obstruction by ice." This bill was read the first time in the Senate, on the 3d of January, 1791, and the bill received the second and third reading on the 4th and 5th, when it was passed.

H. Journal,  
p. 343.

Ibid.

Id. p. 344.

Id. p. 345.

S. Journal,  
p. 229.

On the 14th of April, 1790, a representation from the legislature of the state of Massachusetts, relative to the present state of the whale and cod fisheries, together with several petitions on the subject, were presented to the House of Representatives; and, on the 4th of August, this representation was referred to the secretary of state, with instructions to examine the same, and report to the House. The report of the secretary of state on the subject was laid before the House of Representatives on the 4th of February, 1791.

1790.

H. Journal,  
p. 193.

Id. p. 296.

Id. p. 370.

On the 19th of December, 1791, Mr. Cabot gave notice that he intended to-morrow to move for leave to bring in a bill for the encouragement of the bank and other cod fisheries, and for the regulation and government of the fishermen employed therein; and, on the 20th, the bill was introduced by Mr. Cabot, and was then read the first time. On the 22d, the bill received the se-

1791.

S. Journal,  
p. 357.

Id. p. 358.

Id. p. 359.

Id. p. 360.

2d Congress.  
1st Session.

cond reading, and was referred to Messrs. Cabot, Izard, Sherman, Morris, and Lee. On the 28th, Mr. Cabot reported various amendments, which were considered on that day, and on the 29th, and the 5th, and 10th of January, 1792, when the question

S. Journal,  
p. 363.

Id. p. 370.

[S. B. 26.] was taken on the third reading of the bill, and decided in the affirmative by the following vote:—

*Yeas*—Messrs. Bassett, Burr, Cabot, Carroll, Dickinson, Ellsworth, Few, Foster, Gunn, Henry, Izard, King, Langdon, Lee, Monroe, Morris, Read, Robinson, Rutherford, Sherman, Stanton, Strong, Wingate.—23.

*Nays*—Messrs. Bradley, Butler, Hawkins, Johnston.—4.

On the 11th, a further amendment was made, and the bill was passed, and sent to the House of Representatives for concurrence, as follows:—

Bill as sent  
to the  
House of  
Represent-  
atives.

“Sect. 1. *Be it enacted, by the Senate and House of Representatives of the United States of America, in Congress assembled*—That the bounty now allowed upon the exportation of dried fish, of the fisheries of the United States, shall cease on all dried fish, exported after the tenth day of June next, and, in lieu thereof, and for the more immediate encouragement of the said fisheries, there shall be afterwards paid, on the last day of December annually, to the owner of every vessel or his agent, by the collectors of the district where such vessel may belong, that shall be qualified agreeably to law for carrying on the bank and other cod fisheries, and that shall actually have been employed therein at sea, for the term of four months, at the least, of the fishing season next preceding, which season is accounted to be from the last day of February to the last day of November in every year, for each and every ton of such vessel's burden, according to her admeasurement as licensed or enrolled, if of twenty tons, and not exceeding thirty tons, one and a half dollars; and if above thirty tons, two and a half dollars; of which bounty three-eighth parts shall accrue and belong to the owner of such fishing vessel, and the other five-eighth parts thereof shall be divided by him, his agent, or lawful representative, to and among the several fishermen who shall have been employed in such vessel during the season aforesaid, or a part thereof, as the case may be, in such proportions as the fish they shall respectively have taken may bear to the whole quantity of fish taken on board such vessel during such season: *Provided*—That the bounty to be allowed and paid on any one vessel, for one season, shall not exceed one hundred and seventy dollars.

Id. p. 371.

2d Congress.  
1st Session.

Bill as sent  
to House.

*"Sect. 2. And be it further enacted—*That, on the last day of December annually, as aforesaid, there shall also be paid to the owner of every fishing boat or vessel, of more than five tons, and less than twenty tons, or to his agent or lawful representative, by the collector of the district where such boat or vessel may be long, the sum of one dollar upon every ton admeasurement of such boat or vessel; which bounty shall be accounted for as part of the proceeds of the fares of said boat or vessel, and shall accordingly be so divided among all persons interested therein:—*Provided*, however, that this bounty shall be allowed only to such boats or vessels, as shall have actually been employed at sea, in the cod fishery, for the term of four months at the least of the preceding season. *And provided, also—*That such boat or vessel shall have landed, in the course of said preceding season, a quantity of fish, not less than 12 quintals for every ton of her admeasurement, the said quantity of fish to be ascertained when dried, and cured fit for exportation, and according to the weight thereof, as the same shall weigh, at the time of delivery, when actually sold; which account of the weight, with the original adjustment and settlement of the fare, or fares, among the owners and fishermen, together with a written account of the length, breadth, and depth, of said boat or vessel, and the time she has actually been employed in the fishery in the preceding season, shall, in all cases, be produced and sworn to before the said collector of the district, in order to entitle the owner, his agent, or lawful representative, to receive the bounty aforesaid. And if, at any time within one year after payment of such bounty, it shall appear that any fraud or deceit has been practised in obtaining the same, the boat or vessel upon which such bounty shall have been paid, if found within the district aforesaid, shall be forfeited; otherwise, the owner or owners, having practised such fraud or deceit, shall forfeit and pay one hundred dollars, to be sued for, recovered, and appropriated, in like manner as forfeitures and penalties are to be sued for, recovered, and appropriated, for any breach of an act, entitled 'An act to provide more effectually for the collection of the duties imposed by law on goods, wares, and merchandises, imported into the United States, and on the tonnage of ships or vessels.'

*"Sect. 3. And be it further enacted—*That the owner or owners of every fishing vessel of twenty tons and upwards, his or their agents, or lawful representative, shall, previously to receiving the bounty which is provided for in this act, produce to the collector who is authorized to pay the same, the original

2d Congress.  
1st Session.

Bill as sent  
to House.

agreement, or agreements, which may have been made with the fishermen employed on board such vessel, as is hereinbefore required; and also a certificate, to be by him or them subscribed, therein mentioning the particular days on which such vessel sailed and returned, in the several voyages, or fares, she may have made in the preceding fishing season, to the truth of which they shall swear or affirm before the collector aforesaid.

“*Sect. 4. And be it further enacted*—That no ship or vessel of twenty tons or upwards, employed as aforesaid, shall be entitled to the bounty granted by this act, unless the skipper or master thereof shall, before he proceeds on any fishing voyage, make an agreement, in writing or in print, with every fisherman employed therein, excepting only any apprentice or servant of himself or owner; and, in addition to such terms of shipment as may be agreed on, shall, in such agreement, express whether the same is to continue for one voyage, or for the fishing season; and shall also express that the fish, or the proceeds of such fishing voyage or voyages which may appertain to the fishermen, shall be divided among them in proportion to the quantities or number of said fish they may, respectively, have caught, which agreement shall be endorsed or countersigned by the owner of such fishing vessel, or his agent; and if any fisherman, having engaged himself for a voyage, or for the fishing season, in any fishing vessel, and signed an agreement therefor, as aforesaid, shall thereafter, and while such agreement remains in force, and to be performed, desert or absent himself from such vessel, without leave of the master or skipper thereof, or of the owner or his agent, such deserter shall be liable to the same penalties as deserting seamen or mariners are subject to in the merchants’ service, and may, in the like manner, and upon the like complaint and proof, be apprehended and detained; and all costs of process and commitment, if paid by the master or owner, shall be deducted out of the share of fish, or proceeds of any fishing voyage, to which such deserter hath or shall become entitled. And any fisherman, having engaged himself as aforesaid, who shall, during such fishing voyage, refuse or neglect his proper duty on board the fishing vessel, being thereto ordered or required by the master or skipper thereof, or shall otherwise resist his just commands, to the hinderance or detriment of such voyage, beside being answerable for all damages arising thereby, shall forfeit to the use of the owner of such vessel his share of the bounty, which shall be paid upon such voyage, as is herein granted.

S. Journal,  
p. 372.



2d Congress.  
1st Session.

Bill as sent  
to House.

*“ Sect. 5. And be it further enacted—*That where an agreement or contract shall be so made and signed, for a fishing voyage, or for the fishing season, and any fish, which may have been caught on board such vessel during the same, shall be delivered to the owner, or to his agent, for cure, and shall be sold by said owner or agent, such vessel shall, for the term of six months after such sale, be liable and answerable for the skipper’s, and every other fisherman’s share of such fish, and may be proceeded against in the same form, and to the same effect, as any other vessel is by law liable; and may be proceeded against for the wages of seamen or mariners in the merchants’ service. And, upon such process for the value of a share or shares of the proceeds of fish delivered and sold as aforesaid, it shall be incumbent on the owner, or his agent, to produce a just account of the sales and division of such fish, according to such agreement or contract, otherwise the said vessel shall be answerable, upon such process, for what may be the highest value of the share or shares demanded. But, in all cases, the owner of such vessel, or his agent, appearing to answer to such process, may offer, thereupon, his account of general supplies made for such fishing voyage, and of other supplies therefor made, to either of the demandants; and shall be allowed to produce evidence thereof, in answer to their demands, respectively, and judgment shall be rendered upon such process, for the respective balances, which, upon such an inquiry, shall appear: *Provided, always—*That, when process shall be issued against any vessel liable as aforesaid, if the owner thereof, or his agent, will give bond to each fisherman, in whose favour such process shall be instituted, with sufficient security, to the satisfaction of two justices of the peace, one of whom shall be named by such owner or agent, and the other by the fisherman or fishermen pursuing such process: or, if either party shall refuse, then the justice first appointed shall name his associate, with condition to answer and pay whatever sum shall be recovered by him or them on such process, there shall be an immediate discharge of such vessel: *Provided—*That nothing herein contained shall prevent any fisherman from having his action at common law for his share or shares of fish, or the proceeds thereof, as aforesaid.

*“ Sect. 6. And be it further enacted—*That the drawback heretofore allowed on the exportation of foreign dried and pickled fish, and other foreign salted provisions, be, and the same is, hereby repealed.

*“ Sect. 7. And be it further enacted—*That the moneys which

2d Congress.  
1st Session.

Bill as sent  
to House.

shall remain, in consequence of the abolition of the bounty on the dried fish of the United States, and of the drawback on foreign dried and pickled fish, and other foreign salted provisions, be, and the same are, hereby appropriated to the payment of the bounties granted by this act; and in case the moneys so appropriated shall be inadequate, the deficiency shall be supplied out of any moneys which, from time to time, shall be in the treasury of the United States, and not otherwise appropriated.

"Sect. 8. *And be it further enacted*—That any person who shall declare falsely in any oath or affirmation required by this act, being duly convicted thereof in any court of the United States, having jurisdiction of such offence, shall suffer the same penalties as are provided for false swearing by the act before mentioned, and to be in like manner sued for, recovered, and appropriated. S. Journal, p. 373.

"Sect. 9. *And be it further enacted*—That this act shall continue, and be in force for the term of seven years, and from thence to the end of the next session of Congress."

This bill was read the first and second time in the House of Representatives, on the 13th of January, and was then committed to a committee of the whole house. On the 3d, 6th, 7th, and 8th, the bill was considered in committee, and several amendments were reported, which were agreed to by the House. H. Journal, p. 491.

Bill passed  
by House  
with a-  
mend-  
ments.

The bill was then ordered to the third reading. And, on the 9th, the bill was read the third time, and the question on its passage was decided in the affirmative, by the following vote:—

*Ayes*—Messrs. Ames, Barnwell, Benson, Boudinot, S. Bourne, B. Bourne, Clarke, Dayton, Fitzsimons, Gerry, Gilman, Goodhue, Gordon, Gregg, Griffin, Hartley, Hillhouse, Huger, Kittera, Lawrence, Learned, Lee, Livermore, Madison, Muhlenberg, Niles, Schoonmaker, Jere. Smith, I. Smith, Wm. Smith, Sterrett, Sturges, Silvester, Thatcher, Tredwell, Vining, Wadsworth, Ward.—38.

*Noes*—Messrs. Ashe, Baldwin, Brown, Giles, Grove, Heister, Key, Macon, Mercer, Moore, Murray, Page, Parker, Seney, Steele, Sumpter, Tucker, Venable, White, Williamson, Willis.—21.

It was then resolved, that the title of the bill be, "An act concerning certain fisheries of the United States, and for the regulation and government of the fishermen employed therein."

The amendments made by the House of Representatives are these:—

## CHAP. VI.

## Navigation, &amp;c.—Fisheries.

1792.

2d Congress.  
1st Session.Amend-  
ments  
of House.

"Section 1, line 2. Strike out the words 'bounty now allowed,' and insert, 'allowance now made.'

S. Journal,  
p. 388.

"Line 3. After the word 'states,' insert, 'in lieu of a drawback of the duties paid on the salt used in preserving the same.'

"Lines 4 and 5. Strike out the words 'and in lieu thereof, and for the more immediate encouragement of the said fisheries,' and insert 'and as a commutation and equivalent therefor.'

"Line 15. Strike out 'bounty,' and insert 'allowance aforesaid.'

"Line 21. Strike out the words 'bounty to be allowed and paid,' and insert 'allowance aforesaid.'

"Sect. 2, lines 6, 21, 22, and 23. Strike out 'bounty,' and insert 'allowance,' making correspondent amendments throughout the bill.

"Line 19. After 'sworn,' insert 'or affirmed.'

"Sect. 4, line 24. Strike out 'hath,' and insert 'had.'

"Sect. 7, line 2. Strike out the words 'bounty on,' and insert 'allowance on the exportation of.'

"Line 4. Strike out 'bounties,' and insert 'allowances.'

"Sect. 8, line 4. After 'swearing,' insert 'or affirming.'

"Sect. 9. At the end thereof, add 'and no longer.'

"In the title of the bill, strike out the words 'for the encouragement of the bank and other cod fisheries,' and insert 'concerning certain fisheries of the United States.'

Senate a-  
grec.

On the 10th of February, the Senate agreed to these amendments.

Bill for pro-  
tection of  
fisheries.

The House of Representatives, on the 17th of March, of the same year, appointed Messrs. Williamson, Key, and Parker, to be a committee "to prepare and bring in a bill, or bills, to amend an

H. Journal,  
p. 538.

[H. B. 193.]

act, entitled 'An act to provide more effectually for the collection of duties on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels,' so far as to permit the landing of salt, under certain regulations, at warehouses belonging to the several fisheries, and to allow a drawback on the exportation of salted provisions, equal to the duty that is paid on the salt used in preserving the same." And, on the 4th of May, Mr. Williamson presented a bill "for the protection of the

Id. p. 597.

Not acted  
on.

river and bay fisheries," which was then read the first time. This bill was not again taken up for consideration.

## CHAP. VI.

## Navigation, &amp;c.—Regulation of Seamen.

1790.

1st Congress.  
2d Session.Bill for re-  
gulation of  
seamen in  
the mer-  
chants' ser-  
vice.

[H. B. 61.]

On the 29th of April, 1790, it was ordered by the House of Representatives that a committee be appointed, consisting of Messrs. Fitzsimons, Smith, of Maryland, and Sturges, to bring in a bill for the government and regulation of seamen in the merchants' service; and, on the 3d of May, Mr. Fitzsimons presented a bill, which was then read the first and second time, and committed to a committee of the whole house. This committee was, on the 27th, discharged from further proceeding on the bill, and it was committed to Messrs. Gilman, Goodhue, Fitzsimons, Smith, of Maryland, and Parker. On the 17th of June, Mr. Gilman reported several amendments to the bill, which were considered on the 25th, and agreed to by the House, and the bill was then ordered to the third reading. The bill was, on the following Monday, read the third time, and passed. In the Senate, the bill received the first reading on the same day, and, on the 1st of July, was committed to Messrs. Dalton, Morris, and Langdon. Mr. Dalton, on the 7th, reported amendments, and the bill having been amended accordingly, was ordered to the third reading, and was passed on the next day. The House proceeded to consider the amendments of the Senate, on the 10th, when some were agreed to, and one was rejected. The Senate, on the 12th, receded from the amendment to which the House had disagreed.

H. Journal,  
p. 205.Id. p. 208.  
225.Id. p. 244.  
251.S. Journal,  
p. 167. 172.

Id. p. 175.

H. Journal,  
p. 267.S. Journal,  
p. 177.3d Congress.  
2d Session.Petition of  
Charleston  
merchants.

On the 5th of November, 1792, a petition was presented to the House of Representatives, from merchants in the city of Charleston, South Carolina, praying that Congress would pass a law to restrain the proceedings, and reduce the fees in the Court of Admiralty of the United States in the said state; as also, to admit of other security being taken to the satisfaction of the judge of the court, in small and trivial causes brought by seamen or others against vessels in the merchants' service; and this petition was referred to Messrs. Wm. Smith, Lawrance, and White. Mr. Smith made a report from this committee, which was considered on the 10th, when the house adopted this resolution:

1792.

H. Journal,  
p. 610.

Id. p. 615.

Id. p. 617.

*Resolved*—That provision ought to be made, by law, to regulate the fees of the several District Courts of the United States, in all cases of admiralty proceedings; and that so much of the act for the regulation of seamen in the merchants' service, as makes ships or vessels, and their appurtenances, liable to seizure and detention, for actions of trivial amount, be repealed, and that, in future, a power be vested in the district judge to accept

## CHAP. VI.

## Navigation, &amp;c.—Regulation of Seamen.—Exportation and Trade.

1792-93.

1st Congress.  
1st Session.

of other sufficient security, in cases where the sum in dispute shall not exceed ——— dollars.”

Bill to suspend bill  
No. 61.

It was then ordered, that Messrs. William Smith, Lawrance, and White, prepare and bring in a bill pursuant to this resolution; and, on the 27th, Mr. Smith, from this committee, presented a

H. Journal,  
p. 627.

H.B. 197.]

bill to ascertain the fees demandable on admiralty proceedings in the District Courts of the United States, and to amend, in part, the act, entitled “An act for the government and regulation of seamen in the merchants’ service,” which was read the first and second time, and committed to a committee of the whole house.

This bill occupied the deliberations of the committee on the 3d, 7th, 12th, 21st, and 27th of December, when several amendments were reported to the House, which were agreed to on the following day, when the bill was ordered to the third reading; and, on the 31st, the blanks having been filled up, the bill was read the

Id. p. 631.  
635. 637.  
651. 656.

third time and passed, and was sent to the Senate, where it was read the first time on the same day, and, on the 1st of January, 1793, was referred to the committee appointed on the 21st of November, to take the judiciary system into consideration, with an instruction, also, to consider this bill and report upon it. This

Id. p. 657.  
S. Journal,  
p. 466.

committee consisted of Messrs. Ellsworth, Strong, Monroe, Johnston, and King. On the 26th of February, Mr. Ellsworth, from this committee, reported amendments, which led to debate; and, on the next day, the report was accepted, and the bill, having

Id. p. 459.  
Id. p. 495.  
497.

Bill passed.

been amended accordingly, was passed. The House of Representatives, on the same day, acquiesced in these amendments.

H. Journal,  
p. 721.1st Congress.  
1st Session.

At the second session of the first Congress, on the 3d of March, 1790, a motion was submitted to the Senate,

1790.

Resolution  
of Senate  
and House,  
as to pre-  
venting ex-  
portation  
of goods  
not duly in-  
spected.

“That the secretary of the treasury direct the respective collectors, in the several ports of the United States, not to clear out any vessel having articles on board subject to inspection by the laws of the state from which such vessel shall be about to depart, without having previously obtained such manifests and other documents as are enjoined by the said laws.”

S. Journal,  
p. 117.

This motion was committed, on the 4th, to Messrs. Izard, Strong, and Bassett, and they were instructed to report a bill upon the subject matter of it, if a bill should appear to them necessary. This committee, on the following day, reported a joint resolution in the same words, which having been agreed to, was sent to the House of Representatives for concurrence.

Id. p. 118.

## CHAP. VI.

## Navigation, &amp;c.—Exportation and Trade.

1790.

1st Congress.  
2d Session.

[Previously to this motion, a motion had been submitted, on the 23d of February, that a committee be appointed to consider what measures may be necessary to be adopted relative to the inspection of exports from the United States, and, if they think proper, to prepare a bill on that subject, and, on the following day, Messrs. Dalton, Morris, Izard, Langdon, and Johnston, were appointed, to which committee were added, on the 26th, Messrs. Bassett, Few, Henry, King, Paterson, and Ellsworth. There was also, on the 11th of February, a committee appointed, consisting of Messrs. Morris, Langdon, Butler, Dalton, and Ellsworth, to report, if they agreed as to its expediency, a plan for the regulation of the trade of the United States with the countries and settlements of the European powers in America; and to this committee were added, on the 26th, Messrs. Bassett, Few, Henry, King, Paterson, and Hawkins.]

S. Journal,  
p. 115, 116.

Id. p. 113.

Bill introduced.

On the 8th of March, the joint resolution adopted by the Senate, was, in the House of Representatives, committed to Messrs.

H. Journal,  
p. 169.

[H. B. 48.]

White, Tucker, and Contee, with instructions to prepare and bring in a bill; and, on the same day, Mr. White presented a bill to prevent the exportation of goods not duly inspected, according to the laws of the several states, which was then read the first time, and, on the 9th, received the second reading, and was committed to a committee of the whole house. This bill was considered in committee on the 26th, when an amendment was reported and agreed to; and the bill was, on the next day, read the

Id. p. 171.

Id. p. 183.

Bill passed.

third time and passed. On the same day, the bill received the first reading in the Senate, and was read the second and third time, and passed, on the two next succeeding days.

S. Journal,  
p. 125.New  
Hampshire  
petitions.

On the 26th of March, 1790, a petition of the merchants and traders of the town of Portsmouth and New Hampshire, was presented to the Senate, praying that a law might be enacted, "for the establishment of the foreign trade of the United States upon principles of reciprocal benefit, becoming the dignity of a free and independent nation." This petition was referred to the committee appointed on the 11th of February, "to report a plan for the regulation of the trade of the United States with the countries and settlements of the European powers in America," as specified in the preceding page. On the 27th of April, Mr. Lee was added to this committee.

S. Journal,  
p. 124.S. Journal,  
p. 134.

On the same day, a petition of these merchants and traders was also presented to the House of Representatives, praying that Congress would adopt measures to prevent foreigners from car-

H. Journal,  
p. 182, 183.

1st Congress.  
2d Session.

rying the commodities of the continent to any port or place where the citizens of the United States are prohibited from carrying them. This petition was referred, on the 29th, to Messrs. Boudinot, Jackson, Tucker, Ashe, Parker, Smith, of Maryland, Clymer, Vining, Benson, Sherman, Goodhue, and Foster. On the 16th of April, Mr. Boudinot made a report from this committee, which report was, on the 3d of May, committed to a committee of the whole house, and was considered in committee, on the 10th, 11th, 12th, 13th, and 14th, when the following resolution was reported, and agreed to by the House:—

H. Journal,  
p. 196. 208.

Id. p. 213  
—216.

“*Resolved*—That the tonnage on all foreign built bottoms, belonging to nations not in commercial treaty with the United States, be raised to the sum of one dollar per ton, from and after the first day of January next; and that, from and after the — day of —, the tonnage on all such vessels be raised to —; and that, from and after the — day of —, no such vessel be permitted to export from the United States, any unmanufactured article, being the growth or produce thereof:—*Provided*, that this resolution shall not be extended to the vessels of any nation, which permits the importation of fish, other salted provision, grain, and lumber, in vessels of the United States.”

Bill con-  
cerning the  
trade and  
navigation  
of the U.  
States.

It was then ordered, that Messrs. Madison, Sedgwick, and Hartley, prepare and bring in a bill accordingly, and on the 17th, Mr. Madison presented a bill concerning the navigation and trade of the United States, which was then read the first time, and, on the following day, received the second reading, and was committed to a committee of the whole house. The bill was considered in committee on the 25th and 29th of June, when an unsuccessful motion was made to discharge the committee from further proceeding on the bill. The consideration of the bill was resumed in committee on the 30th, after which time there was nothing further heard of it.

Id. p. 217.

Id. p. 218.

Id. p. 251.  
253.

(H. B. 66.)

1st Congress.  
1st Session.

Trade with  
other pow-  
ers in  
North  
America,  
&c.  
Senate re-  
port.

In the Senate, on the 17th of June, 1789, a committee was appointed, consisting of Messrs. Butler, Morris, Langdon, Dalton, and Lee, to arrange and bring forward a system for the regulation of the trade and intercourse between the United States and the territory of other powers in North America and the West Indies, so as to place the same on a more beneficial and permanent footing. On the 13th of July, Mr. Butler made a report, and on the 5th of August, Mr. Butler further reported,

1789.

S. Journal,  
p. 35.

Id. p. 41. 58.

1st Congress.  
1st Session.

"That it will be expedient to pass a law for imposing an increased duty of tonnage, for a limited time, on all foreign ships and other vessels that shall load in the United States, with the produce of the same, to any port or place in America, whereto the vessels of the United States are not permitted to carry their own produce; but such a law being of the nature of a revenue law, your committee conceive that the originating of a bill for that purpose, is, by the Constitution, exclusively placed in the House of Representatives.

"Your committee beg leave further to report, as their opinion, that it will be expedient to direct a bill to be brought in, for imposing similar restraints upon the trade of the European settlements in America with the United States, that are imposed on the trade of the United States with those settlements.

The Senate then adopted the following resolution:—

"*Resolved*—That the first clause of this report be accepted, and that the remainder of the report be recommitted; and that it be an instruction to the committee, in case it shall be their opinion that a legislative provision ought to be made on the subject of the commitment, to report a bill for that purpose; and that Mr. Ellsworth, Mr. King, and Mr. Read, be added to the committee."

2d Session.  
MEDITERRANEAN  
TRADE.

In his speech at the opening of the third session of this Congress, the President of the United States, after a reference to the disturbed state of Europe, and the necessity of adopting measures for the security of our trade, proceeds thus:—

1790.  
S. Journal,  
p. 218.

Speech of  
President.

"Your attention seems to be not less due to that particular branch of our trade which belongs to the Mediterranean. So many circumstances unite in rendering the present state of it distressful to us, that you will not think any deliberations misemployed, which may lead to its relief and protection."

H. Journal,  
p. 332.

The speech having been referred to a committee of the whole house on the state of the Union, that committee, on the 15th of December, reported these resolutions.

Id. p. 338.

"*Resolved*—That it is the opinion of this committee, that a bill, or bills, ought to be brought in for the further encouragement of the navigation of the United States.

"*Resolved*—That it is the opinion of this committee, that so much of the speech of the President of the United States to both houses of Congress, as relates to the trade of the United



2 Congress.  
1 Session.

States in the Mediterranean, ought to be referred to the secretary of state, with instruction to report thereupon to the House."

The committee appointed pursuant to the first of these resolutions, consisted of Messrs. Boudinot, Jackson, Tucker, Ashe, Parker, Smith, of Maryland, Clymer, Vining, Benson, Sherman, Goodhue, and Foster; and to these, on the 13th of January, Mr. Bourne was added. On the 10th of February, a motion was made and agreed to, to discharge this committee from further proceeding on the subject. H. Journal, p. 354. Id. p. 376.

On the 30th of December, 1790, the speaker laid before the House the report of the secretary of state upon that part of the President's speech, which relates to the trade of the United States in the Mediterranean; and the report was ordered to lie on the table. Id. p. 346.

In the Senate, this part of the speech of the President was referred to Messrs. Langdon, Morris, King, Strong, and Ellsworth, on the 13th of December, and on the 6th of January, Mr. Langdon made a report, which was taken up for consideration on the following day, when it was ordered to lie on the table. This report was recommitted on the 21st, for the purpose of taking into consideration a letter from the secretary of state, and its enclosures, relative to the American prisoners in Algiers. A similar report from the secretary of state had been transmitted to the House of Representatives, on the 30th of December preceding, by the President of the United States. On the 31st, Mr. Langdon made another report, from the same committee, on the same subject, which also was ordered to lie for consideration. And on the 1st of March, Mr. Langdon, from the same committee, re- S. Journal, p. 222. Id. p. 230. S. Journal, p. 234. H. Journal, p. 345. S. Journal, p. 237. 294.

H.B.100.] ported the following bill:—

"An act making an appropriation for the purposes therein mentioned.

Bill making certain appropriations herein mentioned.

"Section 1. *Be it enacted, by the Senate and House of Representatives of the United States of America, in Congress assembled*—That, for the purpose of effecting a recognition of the treaty of the United States with the new Emperor of Morocco, there be, and hereby is, appropriated a sum not exceeding twenty thousand dollars, to be paid out of the moneys, which, prior to the first day of January next, shall arise from the duties imposed upon spirits distilled within the United States, and from stills, by the act, entitled 'An act repealing, after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad, and laying others in their stead; and also upon spirits distilled within

1st Congress.  
2d Session.

the United States, and for appropriating the same,' together with the excess of duties which may arise from the duties imposed by the said act on imported spirits, beyond those which would have arisen by the act, entitled 'An act making further provision for the payment of the debts of the United States,' and the President is hereby authorized to take on loan the whole sum by this act appropriated, or so much thereof as he may judge requisite, at an interest not exceeding six *per cent. per annum*, and the fund established for the above-mentioned appropriation is hereby pledged for the payment of the principal and interest of any loan to be obtained in manner aforesaid; and in case of any deficiency in the said fund, the faith of the United States is hereby also pledged to make good such deficiency."

This bill was read the first and second time: it was then moved to commit the bill, with an instruction to augment the sum therein appropriated to sixty thousand dollars; but this motion was decided in the negative. The bill was then ordered to the third reading. The bill was read the third time and passed on the 2d, and was sent to the House of Representatives for concurrence. In the House, the bill was passed through its various stages on the same day.

S. Journal,  
p. 298.

H. Journal,  
p. 400.

COMMERCIAL INTER-COURSE.

On the 14th of February, 1791, the following message was transmitted by the President of the United States to the two houses of Congress.

*"United States, February 14, 1791.*

Great Britain.

*"Gentlemen of the Senate, and House of Representatives:—*

Message of President.

"Soon after I was called to the administration of the government, I found it important to come to an understanding with the court of London on several points interesting to the United States; and particularly to know whether they were disposed to enter into arrangements by mutual consent, which might fix the commerce between the two nations on principles of reciprocal advantage. For this purpose, I authorized informal conferences with their ministers; and from these, I do not infer any disposition, on their part, to enter into any arrangements merely commercial. I have thought it proper to give you this information, as it might, at some time, have influence on matters under your consideration.

H. Journal,  
p. 377, 378.

*"G. WASHINGTON."*

On the 15th, this message was referred to Messrs. Goodhue, Madison, Fitzsimons, Bourne, Lawrance, Vining, and Smith, of

Id. p. 379.  
385.

## CHAP. VI.

Navigation, &amp;c.—Commercial Intercourse.—Rix Dollar of Denmark.

1791.

1st Congress.  
1st Session.

South Carolina. Mr. Goodhue, from this committee, made a report on the subject, which was taken up for consideration on the 23d, when the House adopted the following order:—

Call on secretary of state.

“*Ordered*—That the said report be referred to the secretary of state; and that he be directed to report to Congress the nature and extent of the privileges and restrictions of the commercial intercourse of the United States with foreign nations, and such measures as he shall think proper to be adopted for the improvement of the commerce and navigation of the same.” H. Journal, p. 368.

Foreign nations generally.

2d Congress.  
1st Session.

Reply of secretary.

On the 21st of February, 1793, being the second session of the second Congress, the speaker laid before the House a letter from the secretary of state, communicating certain reasons for delaying his report on the nature and extent of the privileges and restrictions of the commercial intercourse of the United States with foreign nations, as directed by the order of this House, of the 23d of February, 1791, and suggesting that he is now ready to report on the subject, if the House will be pleased to direct him so to do. 1793.  
H. Journal, p. 710.

This letter was referred to Messrs. Giles, Lawrance, William Smith, Baldwin, and B. Bourne; and, on the 25th, Mr. Giles made a report, which was agreed to by the House as follows:— Id. p. 712.

“That it is not expedient to call for the said report during the present session of Congress.”

3d Congress.  
1st Session.

Rate of Rix dollar of Denmark.

H.B.134.]

On the 10th of February, a motion was made for the appointment of a committee to bring in a bill repealing *so much* of the act, entitled “An act to provide more effectually for the collection of the duties imposed by law on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels, *as hath rated the rix dollar of Denmark at one hundred cents.*” This motion was committed to Messrs. Bourne, Sherman, and Thatcher; and, on the 24th, Mr. Bourne, from this committee, presented a bill, in conformity with the motion, which was read the first time, and, on the 25th and 26th, received the second and third reading, and was passed, with the title, “An act concerning the rates of foreign coin.” The bill, as sent to the Senate, was as follows:— 1791.  
H. Journal, p. 374.

“*Sect. 1. Be it enacted, by the Senate and House of Representatives of the United States of America, in Congress as-* S. Journal, p. 291.

## CHAP. VI.

## Navigation, &amp;c.—Rhode Island.

1791.

1st Congress.  
3d Session.Bill as sent  
to Senate.

*sembled*—That so much of an act, entitled ‘An act to provide more effectually for the collection of the duties imposed by law on goods, wares, and merchandise, imported into the United States, and on the tonnage of ships or vessels,’ as hath rated the rix dollar of Denmark at one hundred cents, be, and the same is hereby, repealed; and that the repeal shall be deemed to operate in respect to all duties which have already arisen or accrued, as well as to such as shall hereafter arise or accrue.

“*Sect. 2. And be it further enacted*—That the secretary of the treasury be authorized and directed to estimate the value of the several denominations of foreign coin which are not estimated by law, and that the collectors of the customs, in their valuation of such foreign coin, be required to conform to the estimate thereof, which shall be made by the secretary of the treasury, pursuant to this act.”

The bill was read the first time in the Senate, on the 28th of February, and on the following day received the second reading, and was committed to Messrs. Schuyler, Monroe, and Maclay, from whom amendments were reported on the same day, and the bill was amended accordingly. The bill was then read the

Bill passed. third time, and passed, with the following amendments:—

Amend-  
ments.

“Expunge the whole of the second section.

“In the title, after the word ‘act,’ expunge the whole, and substitute ‘relative to the rix dollar of Denmark.’”

S. Journal,  
p. 292.

On the 2d of March, the House concurred in these amendments.

H. Journal,  
p. 399.1st Congress.  
2d Session.

THE Senate, on the 28th of April, 1790, appointed Messrs. Carroll, Ellsworth, Morris, Izard, and Butler, to be a committee to consider what provisions would be proper for Congress to make in the present session, respecting the state of Rhode Island. On the 5th of May, Mr. Carroll made a report, which was taken into consideration on the 11th, when the Senate passed the following resolution:—

1790.

S. Journal,  
p. 134.Act to pre-  
vent im-  
portations  
from R.  
Island into  
the United  
States.

“*Resolved*—That all commercial intercourse between the United States and the state of Rhode Island, from and after the first day of July next, be prohibited, under suitable penalties; and that the President of the United States be authorized to demand of the state of Rhode Island ——— dollars, to be paid into the treasury of the United States, by the ——— day of ——— next; which shall be credited to the said state, in account with the

Id. p. 138,  
139.

1st Congress.  
2d Session.

United States, and that a bill, or bills, be brought in for these purposes.”

It was then ordered that the committee who brought in the above report, prepare and report a bill accordingly. On the [S. B. 11.] 13th, Mr. Morris, from this committee, reported a bill on the subject, which was then read the first time, and which received the second reading on the 14th. The question being then put on assigning a day for the third reading, it was decided in the affirmative by the following vote:—

*Yeas*—Messrs. Bassett, Carroll, Dalton, Ellsworth, Johnson, Johnston, Izard, King, Langdon, Morris, Read, Schuyler, Strong.—13.

*Nays*—Messrs. Butler, Elmer, Gunn, Henry, Maclay, Walker, Wingate.—7.

On the 17th, the day assigned for the third reading of the bill, it was ordered to be recommitted. Mr. Carroll reported, on the following day, and the bill was amended according to the report, when the bill was read the third time, and the question being taken on its passage, it was decided in the affirmative, as follows:—

*Yeas*—Messrs. Bassett, Carroll, Dalton, Ellsworth, Johnson, Johnston, Izard, King, Langdon, Morris, Read, Schuyler, Strong.—13.

*Nays*—Messrs. Butler, Elmer, Hawkins, Henry, Lee, Maclay, Walker, Wingate.—8.

The bill was then passed with the following title—“An act to prevent bringing goods, wares, and merchandises, from the state of Rhode Island and Providence Plantations into the United States, and to authorize a demand of money from the said state;” and was sent to the House of Representatives for concurrence.

Accession  
of R. Is-  
and to the  
Constitu-  
tion.

In the House, this bill was read the first time on the 19th, and, on the following day, received the second reading, and was com-

H. Journal,  
p. 219.

Committee  
discharged  
from bill.

mitted to a committee of the whole house. On the 1st of June, the President communicated, by message, to the two houses, “the accession of the state of Rhode Island and Providence Plantations to the Constitution of the United States;” and the committee of the whole were then discharged from the further consideration of the bill, the necessity for which had been so opportunely and agreeably obviated.

Id. p. 232.

Act giv-  
ing assent  
to acts of  
Maryland,

On the 2d of August, a committee was appointed by the House of Representatives, consisting of Messrs. Ames, Jackson, and Seney, to prepare and bring in a bill, or bills, declaring the assent

Id. p. 286.

## HISTORY OF CONGRESS.

CHAP. VI.

Navigation, &c.—Laws of Maryland, &c.

1st Congress.  
2d Session.

Georgia,  
and R. Isl-  
and, con-  
cerning  
tonnage  
duties.

[H. B. 93.]

of Congress to certain acts of the state of Maryland, Georgia, and Rhode Island, and Providence Plantations, for raising a duty on the tonnage of ships or vessels entering the ports of Patapsco, Savannah, and Providence. A bill was reported from this committee on the 3d, which was immediately read the first and second time, committed, and reported with amendments, which were agreed to, and the bill was then ordered to the third reading. On the next day, the blanks having been filled up, the bill was read the third time and passed. In the Senate, the bill received the first reading on the 5th, and on the 6th was read the second time, and committed to Messrs. Foster, Gunn, and Henry. A report was made from this committee on the 9th, when the bill was amended accordingly, by striking out the words "for the term of three years from the passing of this act," and inserting, in their place, the words "until the tenth day of January next," and, thus amended, was read the third time and passed. The amendment received the concurrence of the House of Representatives on the same day.

2d Congress.  
1st Session.

Act to con-  
tinue pre-  
ceding act.

[H.B.164.]

On the 13th of February, 1792, it was ordered by the House of Representatives that a committee be appointed to prepare and bring in a bill to continue an act, entitled 'An act declaring the assent of Congress to certain acts of the states of Maryland, Georgia, and Rhode Island, and Providence Plantations;' and Messrs. Sterrett, Bourne, of Rhode Island, and Baldwin, were appointed of this committee. And, on the 14th, Mr. Sterrett, from this committee, presented a bill declaring the consent of Congress to a certain act of the state of Maryland, and to continue for a longer time 'An act declaring the assent of Congress to certain acts of the states of Maryland, Georgia, and Rhode Island, and Providence Plantations, so far as the same respects the states of Georgia, and Rhode Island, and Providence Plantations;' which was then read the first and second time, and committed to a committee of the whole house. This bill was considered in committee on the 9th of March, and no amendments being reported, it was ordered to the third reading, after filling up a blank therein. On the following day, it was read the third time, and passed, and was sent to the Senate. In the House, this bill was, on the 15th, read the first and second time, and, by unanimous consent, received the third reading, and was passed.

MAP. VI.

Navigation, &amp;c.—Bankruptcy.

1789.

Congress.  
Session.BANK-  
RUPTCY  
SYSTEM.

ON the first of June, 1789, a committee was appointed by the House of Representatives, consisting of Messrs. Smith, of South Carolina, Lawrance, and Ames, to prepare and bring in a bill, or bills, to establish a uniform system on the subject of bankruptcies throughout the United States. No report was made from this committee.

H. Journal,  
P. 43.Congress.  
Session.

ON the 8th of November, 1791, a committee was appointed by the House of Representatives, to prepare and bring in a bill, or bills, to establish a uniform system on the subject of bankruptcies throughout the United States; and Messrs. Vining, Boudinot, Giles, Lawrance, and Gerry, were appointed of such committee. There appears to have been no report made on the subject during this session.

1791.

H. Journal,  
P. 451.

Session.

Bill to es-  
tablish uni-  
form sys-  
tem of  
bankrupt-

IN the following session, on the 21st of November, 1792, a committee was again appointed by the House of Representatives, on the same subject, consisting of Messrs. Wm. Smith, Boudinot, Lawrance, White, and Gerry, with directions to prepare and bring in a bill. A petition of merchants and traders of Charleston, South Carolina, stating the disadvantages under which they labour for want of a bankrupt law, was presented on the 3d of December, and referred to this committee. And, on the 10th of December, Mr. Smith, from this committee, presented a bill to establish a uniform system of bankruptcy throughout the United States, which was read the first and second time, and committed to a committee of the whole house, on the second Monday of January. This bill was not afterwards acted on.

1792.

H. Journal,  
P. 623.Id. p. 631.  
Id. p. 636.

[B. 205.]

Congress.  
Session.ADAM  
CALDWELL.

A PETITION of Adam Caldwell was presented to the House of Representatives on the 16th of June, 1790, praying relief against an imprisonment under which he was then suffering, for a violation of the laws of trade of the United States; which petition was, on the following day, referred to Messrs. Vining, Scott, and Sevier. On the 6th of August, Mr. Vining, from this committee, presented a bill, which was then read the first and second time, and committed to a committee of the whole house. In committee the bill was considered and amended, on the following day, and the amendments having been agreed to by the House, the bill was ordered to the third reading, and, on the 9th, was read the third time and passed. The bill was read the first time

1790.

H. Journal,  
P. 243, 244.Id. p. 292,  
293.

[B. 99.]

Id. p. 294.

## CHAP. VI.

Navigation, &amp;c.—Imprisonment for Debt.—St. Domingo.

1790.

1st Congress.  
2d Session. in the Senate on the same day, and was then ordered to lie for S. Journal,  
consideration; and, on the 11th, was again taken up for consid- P. 205.  
eration, on the question of the second reading, when it was re-  
Postponed. solved, that the bill be postponed to the next session of Congress. Id. p. 208.

3d Congress.  
1st Session. A COMMITTEE was appointed by the Senate, on the 16th of 1792.  
March, 1792, to consider and report what may be necessary to S. Journal,  
prevent the sufferings of persons imprisoned for debt, on judg- p. 411.  
[S. B. 33.] Bill for re- relief of per- sons im- prisoned for debt. Ellsworth, Lee, and Strong, were appointed of such committee.  
And on the 2d of April, Mr. Ellsworth, from this committee, re- Id. p. 419.  
ported a bill for the relief of persons imprisoned for debt, which  
was then read the first time, and on the following day received  
the second reading, and, being amended, was ordered to be read  
the third time. On the 4th, it was moved to insert these words,  
as a substitute for the second section.

“That persons imprisoned as aforesaid, shall be entitled to the  
same allowance for support as debtors confined in the same jails  
by executions issuing from the courts of such states are entitled to  
by the laws of the same, subject to the like regulations and re-  
strictions.”

This motion was determined in the negative, and the bill was H. Journal,  
then read the third time and passed. In the House of Repre- p. 562.  
sentatives, the bill was, on the same day, read the first time, and  
on the following day, received the second reading, and was com-  
mitted to a committee of the whole house. In committee, on  
the 27th of April, the bill was considered, and reported with- Id. p. 563.  
out amendment; and on the 1st of May, after being amended in Id. p. 591.  
the House, the bill was read the third time and passed. The 593.  
Senate, on the 2d, disagreed to the first and second amendments  
of the House, and agreed to the last; and on the following day, S. Journal,  
the House receded from the amendments to which the Senate p. 436.  
had disagreed. H. Journal,  
p. 595.

Letter  
from Ge-  
neral As-  
sembly of  
St. Domin-  
go. On the 18th of November, 1791, a letter from the President of S. Journal,  
the General Assembly of the French colony of St. Domingo, ex- p. 341.  
plaining the reasons of the late embargo on the American ship- H. Journal,  
ping at that island, was laid before the Senate; and by that p. 456.  
body was transmitted to the House of Representatives: but no  
legislative proceeding was founded on this communication.



1st Congress.  
1st Session.WEIGHTS  
and  
MEASURES.Proceed-  
ings in  
House.

2d Session.

Proceed-  
ings in Se-  
nate.

THE expediency of adopting a uniform standard for weights and measures was suggested by the President of the United States, in his speech at the opening of the second session of the first Congress; and on the 15th of January, 1791, the House of Representatives ordered the subject to be referred to the secretary of state, to prepare and report a plan for establishing uniformity in the currency, weights, and measures of the United States. On the 13th of July, following, the secretary of state reported a plan, pursuant to the above order. And at the next session, on the 15th of December, 1791, this report was committed to a committee of the whole house. It was ordered, on the 23d, that this report should be communicated to the Senate, and it was accordingly transmitted to that body. The Senate, on the 28th, appointed Messrs. Izard, Monroe, Morris, Langdon, and Schuyler, a committee to take this report into consideration. On the 18th of January following, the secretary transmitted a postscript to his report. Mr. Izard, on the 1st of March, reported from the committee of the Senate,

H. Journal,  
p. 142.

Id. p. 268.

Id. p. 338.  
341.S. Journal,  
p. 226.

Id. p. 233.

Id. p. 292.

“That, as a proposition has been made to the national assembly of France, for obtaining a standard of measure, which shall be invariable, and communicable to all nations, and at all times; as a similar proposition has been submitted to the British Parliament, in their last session; as the avowed object of these is, to introduce a uniformity in the measures and weights of the commercial nations, as a coincidence of regulation, by the government of the United States, on so interesting a subject, would be desirable, your committee are of opinion, that it would not be eligible, at present, to introduce any alteration in the measures and weights which are now used in the United States.”

This report was adopted by the Senate, and thus the inquiry terminated for this session.

1st Congress.  
1st Session.

On the 1st of November, 1791, Messrs. Izard, Monroe, and Langdon, were appointed a committee of the Senate, “to take into consideration the subject relative to weights and measures, and report their opinion thereon. And on the 4th of April, 1792, Mr. Izard made a report from this committee, which, on the next day, was taken up, and considered as follows:—

1791-92.

S. Journal,  
p. 335.

Id. p. 430.

“1. That it is their opinion, the standard for the measures and weights of the United States be a uniform cylindrical rod of

2d Congress.  
1st Session.

Rule for  
weights  
and mea-  
sures re-  
ported.

iron, of such length as in latitude  $45^{\circ}$  in the level of the ocean, and in a cellar of uniform natural temperature, shall perform its vibrations, in small and equal arcs, in one second of mean time.

"2. That the President of the United States be requested to have such a standard rod provided; that it be prepared with all the accuracy which the importance of the object merits, and circumstances admit; that this be done either by actual experiments, under the parallel of  $45^{\circ}$  of latitude complete, or by actual experiments, rectified by due allowances, under any other parallel, where a superiority of means for accurate experiment may promise, on the whole, greater truth in the result.

"3. That the expenses of the measures he shall adopt for this purpose, not exceeding ——— dollars, be defrayed by the public.

"4. That the standard rod, so to be provided, shall be divided into five equal parts, one of which, to be called a foot, shall be the unit of measures of length for the United States.

"That the foot shall be divided into 10 inches,

"The inch into 10 lines,

"The line into 10 points, and

"That 10 feet make a decad,

"10 decads a rood,

"10 roods a furlong, and

"10 furlongs a mile.

"5. That measures of surface in the United States be made by squares of the measures of length; and that, in the case of lands, the unit shall be a square, whereof every side shall be 100 feet, to be called a rood.

"That each rood be divided into tenths and hundredths,

"That 10 roods make a double acre,

"And 10 double acres a square furlong.

"6. That the unit of measures of capacity in the United States be a cubic foot, to be called a bushel.

"That each bushel be divided into 10 pottles,

"Each pottle into 10 demi-pints,

"Each demi-pint into 10 metres,

"That 10 bushels be a quarter,

"And 10 quarters a last, or double ton.

"7. That the unit of weights of the United States be a cubic inch of rain water, to be called an ounce, and to be measured and weighed in a cellar of uniform natural temperature.

"That the ounce be divided into 10 double scruples,

"The double scruple into 10 carats,

S. Journal,  
p. 421.

## CHAP. VI.

## Navigation, &amp;c.—Weights and Measures.

1792.

2d Congress.  
1st Session.Rule, &c.  
reported.

“The carat into 10 minims or demi-grains,

“The minim into 10 mites,

“That 10 ounces make a pound,

“10 pounds a stone,

“10 stones a quintal,

“10 quintals a hogshead.”

Report  
postponed.

It was then ordered that the consideration of this report be postponed until the next session of Congress.

2d Session.

Report  
considered.

Early in the second session of this Congress, on the 16th of November, 1792, the above report was made the order for the following Monday, but was subsequently postponed to the first Monday of December. It was again taken up and debated on the last named day, and on the 6th and 17th, when it was moved to postpone the further consideration of the motion, and adopt the following resolution:—

S. Journal,  
p. 459, 461.

Id. p. 463.

“*Resolved*—That the present measures of length be retained and fixed by an invariable standard; that the measures of surface remain as they are, and be invariable also as the measures of length, to which they are to refer; that the unit of capacity, now so equivocal, be settled at a medium and convenient term, and defined by the same invariable measures of length, that the more known terms in the two kinds of weights be retained and reduced to one series, and that they be referred to a definite mass of some substance, the specific gravity of which never changes; and that a committee be appointed to bring in a bill accordingly.”

This motion caused some debate, and, on the following day, after being amended by striking out the words “and that a committee be appointed to bring in a bill accordingly,” was postponed, in order to take up the following motion:—

Id. p. 464.

Motions to  
postpone  
and amend.

“1st. That the units of the measures and weights of the United States shall be equal to certain measures and weights now in use.

“2d. That the standard for the measures and weights of the United States, be a uniform cylindrical rod of metal, of such length as, in the latitude of forty-five degrees, on the level of the ocean, and in a cellar of uniform natural temperature, shall perform its vibrations in small and equal arcs in one second of mean time, and which standard rod shall be divided into four hundred and eighty-nine equal parts.

“3d. That the unit of measures of length shall be a foot, which

2d Congress.  
2d Session.

shall be equal in length to one hundred parts of the aforesaid standard rod.

“That sixty-six feet shall be a chain, and eighty chains a mile.

“4th. That measures of surface be made by squares of the measures of length; but in the case of land, the unit shall be an acre, which shall contain forty-three thousand five hundred and sixty square feet, or shall be ten chains in length, and one in breadth.

“5th. That the unit of measures of capacity shall be a bushel, which shall be one foot square, and one foot and twenty-five cents of a foot deep, and shall contain one cubic foot and a quarter.

“6th. That the unit of weights shall be a pound, which shall be equal to the pound avoirdupois now in use, and shall be equal in weight to a quantity of rain water twenty cents of a foot square, and forty cents deep, or sixteen thousand cubic cents of a foot, measured and weighed in a cellar of uniform natural temperature.

“7th. That the units of the measures and weights of the United States shall be divided into cents, or hundredth parts, and, where necessary, into milles, or thousandth parts, and, in the case of weights, the mille shall be divided into seven grains, equal to seven grains Troy.”

And, after some debate, the motion for postponement, made yesterday, as amended, together with the motion last made, was referred to Messrs. Rutherford, Monroe, Izard, Ellsworth, and Langdon. From this committee, Mr. Rutherford made a report on the 29th of January following, which was ordered to be printed; and, on the 8th of February, the consideration of the report was ordered to be postponed till the next session of Congress.

Referred to  
committee.

Report  
made, and  
subject  
postponed.

S. Journal,  
p. 476.  
Id. p. 482.

## CHAPTER VII.

Bill making Provision for Public Debt—Debt of Georgia—Reduction of Debt—Report of Commissioners of Sinking Fund—Lost Evidences of Debt—Debt to Foreign Officers—Public Creditors of Pennsylvania—Dutch Loan—Subscriptions of Domestic Debt—Claims barred by Acts of Limitation, and not barred—Interest on Sums granted for Indemnities—Loans to pay Debts due to States—Information concerning Dutch Loan—Receiving Loan in Domestic Debt—Claim of Maryland—Commissioners of Public Debt—Provisions for Commissioners of Loans—Bill to incorporate United States Bank—Supplementary Bill—Bill to reimburse Loan made of United States Bank—Balances due to the United States—Call on Trustees of Sinking Fund for Information—Memorials concerning Depreciation of Currency.

THE public debt forced itself on the consideration of Congress H. Journal,  
P. 117. at an early period, and one of the first objects of the House of Representatives was to obtain the information required by the following order, which issued from that branch of the legislature on the 21st of September, 1789.

Call on secretary of treasury. “Ordered—That the secretary of the treasury be directed to apply to the supreme executors of the several states, for statements of their public debts; of the funds provided for the payment, in whole or in part, of the principal and interest thereof; and of the amount of the loan-office certificates, or other public securities of the United States, in the state treasuries respectively; and that he report to the House such of the said documents as he may obtain, at the next session of Congress.”

2d Session. In the third chapter of this work, certain resolutions relative 1790.  
H. Journal,  
p. 210. to the public debt and the expediency of effecting a new modification of the domestic debt, have been given. These resolutions were adopted on the 29th of March and 26th of April. [Journal, p. 184 and 200, 201.] On the last named day, a committee was appointed to prepare and bring in a bill pursuant to these resolutions; and, from this committee, on the 6th of May, Mr. Stone introduced a bill making provision for the debt of the United States, which was then read the first and second time, and committed to a committee of the whole house. The bill was considered in committee of the whole, on the 19th, 20th, 21st, 24th, Id. p. 219  
—221. and 25th of May, when the chairman (Mr. Seney) reported that the committee had agreed to the first twelve sections of the bill,

Bill making provision for the debt of the U. States.

[H. B. 63.]

1st Congress.  
2d Session.

with amendments, and prayed to be discharged from the further consideration of it. The committee were discharged on the 26th, and the House then proceeded to consider the several amendments to the first, second, fourth, eighth, and twelfth sections of the bill, which were agreed to. The following amendment to the third section being under consideration; to wit:—

H. Journal,  
p. 222.

“To the end of the section, add, ‘Those which shall be issued for the bills of credit, issued by the authority of the United States in Congress assembled, at the rate of one hundred dollars, in the said bills, for one dollar in specie.’ ”

Id. p. 223.

Motions to  
amend.

It was moved, and agreed to, to strike out the words “one hundred.” It was then moved to insert, in lieu of the words stricken out, the words “seventy-five;” and the question being taken on this motion, it was decided in the affirmative by the following vote:—

*Ayes*—Messrs. Ames, Benson, Boudinot, Burke, Cadwalader, Fitzsimons, Floyd, Foster, Gale, Gerry, Gilman, Goodhue, Griffin, Grout, Hathorn, Huger, Huntington, Leonard, Livermore, Partridge, Van Rensselaer, Schureman, Sedgwick, Sherman, Silvester, Smith, of Maryland, Sturges, Sumpter, Thatcher, Tucker, Wynkoop.—31.

*Noes*—Messrs. Ashe, Baldwin, Bloodworth, Carroll, Coles, Contee, Hartley, Heister, Jackson, Lawrance, Lee, Madison, jr., Mathews, Moore, Muhlenberg, Page, Scott, Seney, Sinnickson, Smith, of South Carolina, Steele, Stone, Trumbull, White, Williamson.—25.

It was then moved to amend the bill, by adding to it the following *proviso*: “*Provided*, That interest shall be computed on the said bills, from the ——— day of ———, 1781.” The question being put on this motion, it was determined in the negative, by the following vote:—

*Ayes*—Messrs. Ames, Foster, Gerry, Gilman, Goodhue, Grout, Hathorn, Huger, Leonard, Livermore, Partridge, Sedgwick, Sumpter, Thatcher, Tucker.—15.

Id. p. 224.

*Noes*—Messrs. Ashe, Baldwin, Benson, Bloodworth, Boudinot, Burke, Cadwalader, Carroll, Coles, Contee, Fitzsimons, Floyd, Gale, Griffin, Hartley, Heister, Huntington, Jackson, Lawrance, Lee, Madison, jr., Mathews, Moore, Muhlenberg, Page, Parker, Van Rensselaer, Schureman, Scott, Seney, Sherman, Silvester, Sinnickson, Smith, of Maryland, Smith, of South Carolina, Steele, Stone, Sturges, Trumbull, White, Williamson, Wynkoop.—42.

1st Congress.  
2d Session.

The amendment to the third section, as before amended, was then agreed to, and the bill was further amended; and, on the 27th, the bill was ordered to the third reading. On the 2d of June, the bill was passed; and, on the same day, was read the first time in the Senate. The second reading produced a discussion, which occupied the 3d, 7th, 9th, 10th, and 11th of June, when it was committed to Messrs. Lee, Ellsworth, Maclay, and Paterson. Mr. Lee made a report from this committee on the 15th, which was considered and debated on the 16th, 17th, 18th, and 21st, when,

S. Jour  
p. 150, 1  
Id. p. 15  
155.  
Id. p. 1  
162, 16

On motion to agree to the following paragraph of the report; to wit: "In the 4th *section*, 2d *line*, strike out from the word 'entitled,' to the word 'or,' at the end of the next paragraph, inclusive: also, strike out from the word 'sum,' in the 5th *line* of the next paragraph, to the *proviso* at the end of the section; and then the bill will read, 'That, for any sum which shall be subscribed to the said loan by any person or persons, or body politic, the subscriber or subscribers shall be entitled to a certificate, purporting that the United States owe to the holder or holders thereof, his, her, or their assigns, the whole of the sum by him, her, or them subscribed; bearing an interest of four *per cent. per annum*, payable quarter yearly, and subject to redemption, by payments not exceeding in one year, on account of both principal and interest, the proportion of six dollars upon a hundred of the same sum: *Provided, always*—That it shall not be understood that the United States shall be bound or obliged to redeem in the proportion aforesaid, but it shall be understood, only, that they have a right so to do.'

"The design of this amendment of your committee, is to discharge the alternatives proposed in the bill, and to fund the domestic debt of the United States at an interest of four *per cent. per annum*."

The question, on agreeing to the clause, having been put, it was decided in the affirmative, by the following vote:—

*Yeas*—Messrs. Bassett, Carroll, Dalton, Ellsworth, Few, Hawkins, Henry, Johnston, Lee, Maclay, Read, Strong, Wingate.—13.

*Nays*—Messrs. Butler, Gunn, Johnson, Izard, King, Langdon, Morris, Paterson, Schuyler, Walker.—10.

Ordered to  
third reading.

On the 22d, the report of the committee was accepted as an amendment to the bill, which was then ordered to the third reading.

Id. p. 1

1st Congress.  
2d Session.

In the mean time, Mr. Ellsworth had, on the 13th of June, given notice that he should bring in a bill, making provision for the debts of the respective states; but, instead of doing this, on the 14th, he submitted to the Senate the following motion:—

Mr. Ellsworth's motion.

*“Resolved—That provision shall be made, the next session of Congress, for loaning to the United States a sum not exceeding twenty-two millions of dollars, in the certificates issued by the respective states for services or supplies towards the prosecution of the late war. The certificates which shall be loaned, to stand charged to the respective states by whom they were issued, until a liquidation of their accounts with the United States can be completed.”*

S. Journal,  
p.155. 157.

An unsuccessful motion was then made to assign the following day for the consideration of this motion; and, on the 2d of July, it was committed to Messrs. Carroll, Lee, Strong, Ellsworth, and Paterson. Mr. Carroll made a report from this committee, as follows:—

Id. p. 176.

Report of committee, on motion.

*“Whereas a provision for the debt of the respective states by the United States would be greatly conducive to an orderly, economical, and effectual arrangement of the public finances; would tend to an equal distribution of burdens among the citizens of the several states; would promote more general justice to the different classes of public creditors; and would serve to give stability to public credit: and whereas the said debts, having been essentially contracted in the prosecution of the late war, it is just that such provision should be made:*

Id. p. 177.

*“Resolved—That a loan be proposed, to the amount of twenty-one millions of dollars, and that subscriptions to the said loan be received at the same times and places, by the same persons, and upon the same terms, as in respect to the loan which may be proposed concerning the domestic debt of the United States, subject to the exceptions and qualifications hereafter mentioned; and that the sums which shall be subscribed to the said loan shall be payable in the principal and interest of the certificates or notes, which, prior to the first day of January last, were issued by the respective states, as acknowledgments or evidences of debts by them respectively owing, and which shall appear, by oath or affirmation, (as the case may be,) to have been the property of an individual or individuals, or body politic, other than a state, on the said first day of January last: *Provided—That no greater sum shall be received in the certificates of any state, than as follows; that is to say:—**



| CHAP. VII.                    | Public Debt.  | 179               |
|-------------------------------|---|-------------------|
| 1st Congress.<br>1st Session. | "In those of New Hampshire, - - - \$300,000<br>"In those of Massachusetts, - - - 4,000,000<br>"In those of Rhode Island and Providence Plantations, 200,000<br>"In those of Connecticut, - - - 1,600,000<br>"In those of New York, - - - 1,200,000<br>"In those of New Jersey, - - - 800,000<br>"In those of Pennsylvania, - - - 2,200,000<br>"In those of Delaware, - - - 200,000<br>"In those of Maryland, - - - 800,000<br>"In those of Virginia, - - - 3,200,000<br>"In those of North Carolina, - - - 2,200,000<br>"In those of South Carolina, - - - 4,000,000<br>"In those of Georgia, - - - 300,000 | S. Jour<br>p. 178 |
| Report of<br>committee.       | \$21,000,000  |                   |

*"And provided*—That no such certificate shall be received, which, from the tenor thereof, or from any public record, act, or document, shall appear, or can be ascertained to have been issued for any purpose other than compensations and expenditures for services or supplies towards the prosecution of the late war, and the defence of the United States, or of some part thereof, during the same.

*"Resolved*—That the interest upon the certificates which shall be received in payment of the sums subscribed towards the said loan, shall be computed to the last day of the year one thousand seven hundred and ninety-one, inclusively; and the interest upon the stock, which shall be created by virtue of the loan that may be proposed in the domestic debt of the United States.

*"Resolved*—That, if the whole of the sum allowed to be subscribed in the debt or certificate of any state, as aforesaid, shall not be subscribed within the time for that purpose limited, such state shall be entitled to receive, and shall receive, from the United States, at the rate of four *per centum per annum*, upon so much of the said sum as shall not have been so subscribed, in trust for the non-subscribing creditors of such state, to be paid in like manner as the interest on the stock which may be created by virtue of the said loan, and to continue until there shall be a settlement of accounts between the United States and the individual states; and, in case a balance shall then appear in favour of such state, until provision shall be made for the said balance.

*"But, as certain states have, respectively, issued their own certificates in exchange for those of the United States, whereby it might happen that interest might be twice payable on the same sums:*

1st Congress.  
2d Session.

Report of  
committee.

**“Resolved**—That the payment of interest, whether to states or to individuals, in respect to the debt of any state, by which such exchange shall have been made, shall be suspended until it shall appear to the satisfaction of the secretary of the treasury, that certificates issued for that purpose, by such state, have been re-exchanged or redeemed, or until those which shall not have been re-exchanged or redeemed, shall be surrendered to the United States.

“And, it is further

**“Resolved**—That the faith of the United States be, and the same is hereby, pledged to make like provision for the payment of interest on the amount of the stock arising from subscriptions to the said loan, with the provision, which shall be made touching the loan that may be proposed in the domestic debt of the United States; and so much of the debt of each state as shall be subscribed to the said loan, shall be a charge against such state, in account with the United States.”

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amend re-  
port.

It was then agreed that the preamble should be postponed. And it was moved to amend the first paragraph of the report, as follows:—

“After the word ‘persons,’ in the 3d line, strike out, ‘and upon the same terms as in respect to the loans which may be proposed, concerning the domestic debt of the United States,’ and insert, after the word ‘mentioned,’ in the 5th line, as follows: ‘And the subscribers shall receive certificates for the principal and interest of the sum so subscribed, one of which certificates shall purport, that the United States owe to the holder or holders thereof, his, her, or their assigns, a sum equal to two-thirds of the said sum so subscribed, bearing an interest of six *per centum per annum*, payable quarter yearly, and subject to redemption by payments, not exceeding, in one year, on account both of principal and interest, the proportion of eight dollars upon a hundred of the sum mentioned in such certificate; and, to another certificate, purporting that the United States owe to the holder or holders thereof, his, her, or their assigns, a sum equal to twenty-six dollars and eighty-eight cents, on every hundred dollars of the sum so subscribed, which, after the year one thousand eight hundred, shall bear an interest of six *per centum per annum*, payable quarter yearly, and subject to redemption by payments, not exceeding in one year, on account both of principal and interest, the proportion of eight dollars upon a hundred of the sum mentioned in such certificate: *Provided, al-*

S. Journal,  
p. 179.

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*ways*—That it shall not be understood that the United States shall be bound or obliged to redeem, in the proportion aforesaid, but it shall be understood only that they have a right so to do.' ”

A motion was made to postpone the amendment, with a view to take the opinion of the Senate, whether the debts of the individual states shall be assumed by the United States; but this motion was decided in the negative, as was also a motion to agree to the amendment proposed to the report of the committee. It was then resolved that the rule prescribed for the second reading of bills be adopted, in considering the report of the committee. After this, a motion to strike out the words “twenty-one millions of dollars,” in the first paragraph of the report, and that it stand a blank, was determined in the negative.

The consideration of this report having been resumed on the the following day, when the question being put, on motion to agree to the following paragraph:—

“*Resolved*—That a loan be proposed to the amount of twenty-  
one millions of dollars, and that subscriptions to the said loan be  
received at the same times and places, by the same persons, and  
upon the same terms, as in respect to the loans which may be  
proposed concerning the domestic debt of the United States,  
subject to the exceptions and qualifications hereafter mentioned:”

S. Jo  
P. 18

It was decided in the affirmative, by the following vote:—

*Yeas*—Messrs. Butler, Carroll, Dalton, Ellsworth, Elmer, Johnson, Izard, King, Langdon, Morris, Paterson, Read, Schuyler, Strong.—14.

*Nays*—Messrs. Bassett, Few, Foster, Hawkins, Henry, Johnston, Lee, Maclay, Stanton, Walker, Wingate.—11.

The residue of the paragraph, from the words “and that the sums,” to the words “January last,” inclusive, was then agreed to.

It was then moved to add to the paragraph just agreed to, after the words “January last,” these words, “and in bills of the new emission money due from the states respectively;” but the motion was not successful. The clauses of the report, to the end of the schedule, were then adopted. A motion to expunge the last paragraph of the first resolution as reported; to wit: from the words “and provided,” to the word “same,” inclusive, was rejected, and the paragraph was then agreed to.

The second resolution, as reported, was then agreed to.

It was then moved to amend the third resolution, by striking out these words, “at the rate of four per centum per annum,”

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and insert "an interest of ——— *per centum per annum*, at the same rate as shall be allowed to the domestic creditors of the United States;" but this motion was not sustained: and the question being taken on agreeing to the resolution as reported, it was decided in the affirmative, by the following vote:—

*Yeas*—Messrs. Bassett, Carroll, Ellsworth, Few, Gunn, Hawkins, Henry, Johnson, Johnston, Izard, Lee, Maclay, Read, Stanton, Walker.—15.

*Nays*—Messrs. Butler, Dalton, Elmer, Foster, King, Langdon, Morris, Paterson, Schuyler, Strong, Wingate.—11.

The fourth resolution, with the preamble, was then agreed to.

It was then moved to expunge, in the last resolution, these words, "From subscriptions to the said loan," and to insert in their place the words, "under this act;" but this motion was determined in the negative; and the resolution, as reported, was agreed to.

It was then moved to agree to the preamble of the report, and the question being put, it was decided in the affirmative, by the following vote:—

*Yeas*—Messrs. Butler, Carroll, Dalton, Ellsworth, Elmer, Few, Foster, Johnson, Izard, King, Langdon, Morris, Paterson, Read, Schuyler, Strong.—16.

*Nays*—Messrs. Bassett, Gunn, Hawkins, Henry, Johnston, Lee, Maclay, Stanton, Walker, Wingate.—10.

Report and  
bill com-  
mitted.

A motion was then made, that the report of the committee, together with the bill entitled "An act making provision for the debt of the United States," be referred to a special committee; and the question being taken on this motion, it was decided in the negative, by the following vote:—

*Yeas*—Messrs. Butler, Dalton, Gunn, Johnson, Izard, King, Morris, Paterson, Schuyler, Strong.—10.

*Nays*—Messrs. Bassett, Carroll, Ellsworth, Elmer, Few, Foster, Hawkins, Henry, Johnston, Langdon, Lee, Maclay, Read, Stanton, Walker, Wingate.—16.

The report of the committee was then ordered to another reading; and, on the 15th, the report, and the bill making provision for the debt of the United States, were committed to Messrs. Butler, Morris, Read, Ellsworth, King, Lee, and Strong.

On the 16th, Mr. Butler, from this committee, made report as follows:—

Report of committee. "That, having maturely considered all circumstances, they are of opinion, that the principal of the domestic debt should be

S. Journal,  
p. 181.

1st Congress.  
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funded agreeably to the third alternative, in the report of the secretary of the treasury; and that the interest which may be due thereon, including indents, be funded at the rate of three *per cent. per annum*; and that whatever sum the legislature may think proper to assume of the states' debts, be funded at the proportion of two-thirds thereof, agreeably to the third alternative in the secretary's report, and the other third at three *per cent. per annum*.

"Your committee further recommend that the resolutions for the assumption be added to the funding bill, and the whole made one system."

Report agreed to.

The whole of the first paragraph of this report having been adopted, the question was put on agreeing to the last, and was decided in the affirmative, as follows:—

*Yeas*—Messrs. Butler, Carroll, Dalton, Ellsworth, Elmer, Few, Johnson, Izard, King, Langdon, Morris, Paterson, Read, Schuyler, Strong.—15.

*Nays*—Messrs. Bassett, Foster, Gunn, Hawkins, Henry, Johnston, Lee, Maclay, Stanton, Walker, Wingate.—11.

So the report was accepted by the Senate, and the report committed on the 15th: the report now agreed to, and the bill making provision for the debt of the United States, were recommended, with an instruction to the committee to conform the bill to the principles of the reports. And, on the following day, Mr. Butler, from the committee, reported the bill amended upon the principles agreed to; and, on the 19th, the Senate agreed to amend the bill according to the report. The question on the third reading of the bill then came up, when several amendments were agreed to. A motion was then made further to amend the bill in the third section, and to provide for funding of the bills of credit issued by the authority of the United States, at the rate of forty for one; but this motion was decided in the negative, by the following vote:—

*Yeas*—Messrs. Dalton, Foster, King, Langdon, Morris, Paterson, Schuyler, Strong, Wingate.—9.

*Nays*—Messrs. Bassett, Butler, Carroll, Ellsworth, Elmer, Few, Gunn, Hawkins, Henry, Johnston, Izard, Lee, Maclay, Read, Stanton, Walker.—16.

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A motion so to amend the section as that the above-mentioned bills of credit be funded at the rate of seventy-five for one, was equally unsuccessful. It was then agreed, in *line 23d*, to strike out "seventy-five," and fund the said bills of credit at the

S. Jour  
p. 182

Id. p.

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rate of one hundred for one; and to strike out from the original bill the *proviso* in the third section.

It was then agreed to strike out the whole of section fourth, and insert section fourth and fifth amended.

. A motion was then made to amend section fourth of the amendment, to read as follows: "*And be it further enacted*—That for the whole, or any part of any sum subscribed to the said loan by any person or persons, or body politic, which shall be paid in the principal of the said domestic debt, the subscriber or subscribers shall be entitled to a certificate, purporting that the United States owe to the holder or holders thereof, his, her, or their assigns, a sum to be expressed therein, equal to the sum so paid, bearing an interest of six *per centum*, payable quarter yearly, and subject to redemption, by payments, not exceeding, in one year, on account, both of principal and interest, the proportion of seven dollars upon a hundred of the sum mentioned in such certificate: *Provided, always*, That it shall not be understood that the United States shall be bound or obliged to redeem in the proportion aforesaid; but it shall be understood only that they have a right so to do;" and the question being taken, it was decided in the negative, as follows:—

*Yeas*—Messrs. Gunn, Morris, Paterson, Schuyler, Walker.—6.

*Nays*—Messrs. Bassett, Butler, Carroll, Dalton, Ellsworth, Elmer, Few, Foster, Hawkins, Henry, Johnston, Izard, Langdon, Lee, Maclay, Read, Stanton, Strong, Wingate.—19.

It was then moved to amend the first clause of the amendment agreed to, in the fourth section, so as to read thus: "*And be it further enacted*—That, for the whole or any part of any sum subscribed to the said loan, by any person or persons, or body politic, which shall be paid on the principal and interest of the said domestic debt, so as to enable the subscribers to the loan to pay their subscriptions in *interest* as well as *principal*; and the question being taken on this motion, it was decided in the negative, by the following vote:—

*Yeas*—Messrs. Few, Hawkins, King, Langdon, Morris, Paterson, Schuyler, Walker.—8.

*Nays*—Messrs. Bassett, Butler, Carroll, Dalton, Ellsworth, Elmer, Foster, Gunn, Henry, Johnston, Izard, Lee, Maclay, Read, Stanton, Strong, Wingate.—17.

Another motion was then made to amend the amendment agreed to, so that the fourth section may provide that the second certificate given the subscriber should entitle him to "a sum to

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be expressed therein, equal to the proportion of thirty-three and one-third dollars, instead of twenty-six dollars and eighty-eight cents, upon one hundred of the sum so paid, which, after the year eighteen hundred, shall bear an interest of *six per cent.*; and the question being taken on this motion, it was determined in the negative, by the following vote:—

*Yeas*—Messrs. Butler, Elmer, Henry, King, Langdon, Morris, Paterson, Schuyler, Walker.—9.

*Nays*—Messrs. Bassett, Carroll, Dalton, Ellsworth, Few, Foster, Hawkins, Johnston, Izard, Lee, Maclay, Read, Stanton, Strong, Wingate.—15.

It was then moved to amend the fourth section of the amendment agreed to, as follows: "*And be it further enacted—That,* S. Jour  
P. 184. for the whole or any part of any sum subscribed to the said loan, by any person or persons, or body politic, which shall be paid on the principal of the said domestic debt, the subscriber or subscribers shall be entitled to a certificate, purporting that the United States owe to the holder or holders thereof, his, her, or their assigns, the whole of the sum by him, her, or them subscribed, bearing an interest of four *per centum per annum*, payable quarter yearly, and subject to redemption by payments, not exceeding, in one year, on account both of principal and interest, the proportion of six dollars upon a hundred of the said sum: *Provided*, that it shall not be understood that the United States shall be bound, or obliged, to redeem in the proportion aforesaid, but it shall be understood only, that they have a right so to do;" and the question being taken on this motion, it was decided in the negative, as follows:—

*Yeas*—Messrs. Bassett, Few, Foster, Hawkins, Johnston, Maclay, Stanton, Wingate.—8.

*Nays*—Messrs. Butler, Carroll, Dalton, Ellsworth, Elmer, Gunn, Henry, Izard, King, Langdon, Lee, Morris, Paterson, Read, Schuyler, Strong, Walker.—17.

A motion was then made to amend the last clause of the last amendment agreed to, namely, of section fifth, so as to entitle the subscriber for any sum subscribed to the said loan, and which shall be paid in the interest of the domestic debt, to a certificate for such sum subscribed, bearing an interest of *six per cent.*; and the question being taken, it was decided in the negative, as follows:—

*Yeas*—Messrs. King, Morris, Paterson, Schuyler, Walker.—5.

*Nays*—Messrs. Bassett, Butler, Carroll, Dalton, Ellsworth,

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Elmer, Few, Foster, Gunn, Hawkins, Henry, Johnston, Izard, Langdon, Lee, Maclay, Read, Stanton, Strong, Wingate.—20.

It was then moved to amend the same clause of the same section, so as to entitle the subscribers, for any sum subscribed to the said loan, and which shall be paid in the interest of the domestic debt, to a certificate for the sum subscribed, bearing an interest of four *per cent.*; and the question being put on this motion, it was decided in the negative by the following vote:—

*Yeas*—Messrs. Elmer, Henry, King, Langdon, Morris, Patterson, Schuyler, Walker.—8.

*Nays*—Messrs. Bassett, Butler, Carroll, Dalton, Ellsworth, Few, Foster, Gunn, Hawkins, Johnston, Izard, Lee, Maclay, Read, Stanton, Strong, Wingate.—17.

Several other amendments were then made in the bill, and its further consideration was postponed till to-morrow.

The question of the third reading of the bill being resumed on the 20th, a motion was then made to strike out the following sections reported by the committee:—

S. Journal,  
p. 185.

“*Sect. 13.* And whereas, a provision for the debts of the respective states, by the United States, would be greatly conducive to an orderly, economical, and effectual arrangement of the public finances:

“*Be it, therefore, further enacted*—That a loan be proposed to the amount of twenty-one millions and five hundred thousand dollars, and that subscriptions to the said loan be received at the same times and places, and by the same persons, as in respect to the loan hereinbefore proposed concerning the domestic debt of the United States; and that the sums which shall be subscribed to the said loan, shall be payable in the principal and interest of the certificates or notes, which, prior to the first day of January last, were issued by the respective states, as acknowledgments or evidences of debts by them respectively owing: *Provided*—That no greater sum shall be received in the certificates of any state, than as follows; that is to say:—

|   |   |   |   |              |
|---|---|---|---|--------------|
| “In those of New Hampshire,                           | - | - | - | \$300,000    |
| “In those of Massachusetts,                           | - | - | - | 4,000,000    |
| “In those of Rhode Island and Providence Plantations, |   |   |   | 200,000      |
| “In those of Connecticut,                             | - | - | - | 1,600,000    |
| “In those of New York,                                | - | - | - | 1,200,000    |
| “In those of New Jersey,                              | - | - | - | 800,000      |
| “In those of Pennsylvania,                            | - | - | - | 2,200,000    |
|   |   |   |   | <hr/>        |
|   |   |   |   | \$10,300,000 |



|                              |                              |   |   |   |                     |
|------------------------------|------------------------------|---|---|---|---------------------|
| 1st Congress.<br>2d Session. | Amount brought over,         | - | - | - | \$10,300,000        |
|                              | “In those of Delaware,       | - | - | - | 200,000             |
| Motions to<br>amend.         | “In those of Maryland,       | - | - | - | 800,000             |
|                              | “In those of Virginia,       | - | - | - | 3,500,000           |
|                              | “In those of North Carolina, | - | - | - | 2,400,000           |
|                              | “In those of South Carolina, | - | - | - | 4,000,000           |
|                              | “In those of Georgia,        | - | - | - | 300,000             |
|                              |                              |   |   |   | <u>\$21,500,000</u> |

“*And provided*—That no such certificate shall be received, which, from the tenor thereof, or from any public record, act, or document, shall appear, or can be ascertained, to have been issued for any purpose other than compensations and expenditures for services or supplies towards the prosecution of the late war, and the defence of the United States, or of some part thereof, during the same.

“*Sect. 14. And be it further enacted*—That, for two-thirds of any sum subscribed to the said loan, by any person or persons, or body politic, which shall be paid in the principal and interest of the certificates or notes issued as aforesaid, by the respective states, the subscriber or subscribers shall be entitled to a certificate, purporting that the United States owe to the holder or holders thereof, his, her, or their assigns, a sum to be expressed therein, equal to two-thirds of the aforesaid two-thirds, bearing an interest of six *per centum per annum*, payable quarter yearly, and subject to redemption by payments, not exceeding, in one year, on account both of principal and interest, the proportion of seven dollars upon a hundred of the sum mentioned in such certificate; and, to another certificate, purporting that the United States owe to the holder or holders thereof, his, her, or their assigns, a sum to be expressed therein, equal to the proportion of twenty-six dollars and eighty-eight cents upon a hundred of the said two-thirds of such sum so subscribed, which, after the year one thousand eight hundred, shall bear an interest of six *per centum per annum*, payable quarter yearly, and subject to redemption by payments, not exceeding, in one year, on account both of principal and interest, the proportion of seven dollars upon a hundred of the sum mentioned in such certificate; and that, for the remaining third of any sum so subscribed, the subscriber or subscribers shall be entitled to a certificate, purporting that the United States owe to the holder or holders thereof, his, her, or their assigns, a sum to be expressed therein, equal to the said remaining third, bearing an interest of three *per centum per*

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*annum*, payable quarter yearly, and subject to redemption by payment of the sum specified therein, whenever provision shall be made by law for that purpose.

“*Sect. 15. And be it further enacted*—That the interest upon the certificates which shall be received in payment of the sums subscribed towards the said loan, shall be computed to the last day of the year one thousand seven hundred and ninety-one, inclusively; and the interest upon the stock, which shall be created by virtue of the said loan, shall commence or begin to accrue on the first day of the year one thousand seven hundred and ninety-two, and shall be payable quarter yearly, at the same time, and in like manner, as the interest on the stock to be created by virtue of the loan above proposed, in the domestic debt of the United States. S. Journal,  
p. 186.

“*Sect. 16. And be it further enacted*—That, if the whole sum allowed to be subscribed in the debt or certificates of any state, as aforesaid, shall not be subscribed within the time for that purpose limited, such state shall be entitled to receive, and shall receive, from the United States, at the rate of four *per centum per annum*, upon so much of the said sum as shall not have been so subscribed, in trust for the non-subscribing creditors of such state, who are holders of certificates or notes issued on account of services or supplies towards the prosecution of the late war, and the defence of the United States, or of some part thereof, to be paid in like manner as the interest on the stock which may be created by virtue of the said loan, and to continue until there shall be a settlement of accounts between the United States and the individual states; and in case a balance shall then appear in favour of such state, until provision shall be made for the said balance.

“*Sect. 17.* But as certain states have respectively issued their own certificates, in exchange for those of the United States, whereby it might happen that interest might be twice payable on the same sum,

“*Be it further enacted*—That the payment of interest, whether to states or to individuals, in respect to the debt of any state, by which such exchange shall have been made, shall be suspended, until it shall appear, to the satisfaction of the secretary of the treasury, that certificates issued for that purpose by such state, have been re-exchanged or redeemed, or until those which shall not have been re-exchanged or redeemed, shall be surrendered to the United States.

“*Sect. 18. And be it further enacted*—That so much of the

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debt of each state as shall be subscribed to the said loan, shall be charged against such state, in account with the United States."

The question being taken on the motion to strike out these sections, it was determined in the negative, by the following vote:—

*Yeas*—Messrs. Bassett, Few, Foster, Gunn, Hawkins, Henry, Johnston, Lee, Maclay, Stanton, Walker, Wingate.—12.

*Nays*—Messrs. Butler, Carroll, Dalton, Ellsworth, Elmer, Johnson, Izard, King, Langdon, Morris, Paterson, Read, Schuyler, Strong.—14.

Bill passed  
by Senate  
with a-  
mend-  
ments.

Several other amendments were then made; and, on the 21st, the bill was read the third time, and on the question of its passage as amended, the vote stood as follows:—

S. Journal,  
P. 187.

*Yeas*—Messrs. Butler, Carroll, Dalton, Ellsworth, Elmer, Johnson, Izard, King, Langdon, Morris, Paterson, Read, Schuyler, Strong.—14.

*Nays*—Messrs. Bassett, Few, Foster, Gunn, Hawkins, Henry, Johnston, Lee, Maclay, Stanton, Walker, Wingate.—12.

The bill, as amended, was then sent to the House of Representatives for concurrence; and the amendments were there considered on the 22d, 23d, and 24th, when the following resolution was adopted:—

H. Journal,  
P. 277.

Resolu-  
tions of  
House as to  
amend-  
ments.

"*Resolved*—That this House do agree to the first, second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, and thirteenth amendments, with amendments to the said seventh amendment, as follow:—

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"In the clauses proposed to be inserted by the Senate, in lieu of the fourth section.

"*Line 12.* Strike out 'seven,' and insert 'eight.'

"*— 17.* Strike out 'twenty-six dollars and eighty-eight cents,' and insert 'thirty-three dollars, and one-third of a dollar.'

"*Line 19.* Strike out 'eight hundred,' and insert 'seven hundred and ninety-seven.'

"*Line 23.* Strike out 'seven,' and insert 'eight.'

"*— 40.* Strike out 'three,' and insert 'four.'"

The last amendment proposed by the Senate, being then under consideration, namely, adding to the bill several clauses "making a provision for the debt of the United States," a motion was made to disagree to this amendment; and the question

Id. p. 278.

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being taken on this motion, it was determined in the negative, by the following vote:—

*Ayes*—Messrs. Ashe, Baldwin, Bloodworth, Brown, Coles, Contee, Floyd, Gilman, Griffin, Hartley, Hathorn, Heister, Jackson, Livermore, Madison, jr., Mathews, Moore, Muhlenberg, Page, Parker, Van Rensselaer, Scott, Seney, Sevier, Smith, of Maryland, Steele, Stone, Sumpter, Williamson.—29.

*Noes*—Messrs. Ames, Benson, Boudinot, Burke, Cadwalader, Carroll, Clymer, Fitzsimons, Foster, Gale, Gerry, Goodhue, Grout, Huntington, Lawrance, Lee, Leonard, Partridge, Schureman, Sedgwick, Sherman, Silvester, Sinnickson, Smith, of South Carolina, Sturges, Thatcher, Trumbull, Tucker, Vining, Wadsworth, White, Wynkoop.—32.

The consideration of the amendments was resumed on the 26th of July, when the same amendment being yet under consideration, a motion was made to amend this amendment by adding to the end of the first clause, or section, the following *proviso*:—

H. Journal,  
P. 279.

“*Provided always, and be it further enacted*—That if the total amount of the sums which shall be subscribed to the said loan in the debt of any state, within the time limited for receiving subscription thereto, shall exceed the sum by this act allowed to be subscribed within such state, the certificates and credits granted to their respective subscribers, shall bear such proportion to the sums by them respectively subscribed, as the total amount of the said sums shall bear to the whole sum so allowed, to be subscribed in the debt of such state within the same; and every subscriber to the said loan shall, at the time of subscribing, deposit with the commissioner the certificates or notes to be loaned by him.”

Further  
amend-  
ments.

This motion was agreed to; and it was then moved further to amend the said amendment, by adding to the end of the first clause, or section, this *proviso*:—

“*And provided*—That the original holders of certificates in the several states, shall have the exclusive right of subscribing for the space of six months from the time in which the offices shall be opened in the states respectively, and that the whole of their claims shall be funded.”

The question being taken on this proposition to amend, it was decided in the negative, by the following vote:—

*Ayes*—Messrs. Ashe, Bloodworth, Brown, Coles, Jackson,  
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Madison, jr., Mathews, Muhlenberg, Page, Parker, Scott, Seney, Steele, Sumpter, Williamson.—15.

*Noes*—Messrs. Ames, Baldwin, Benson, Boudinot, Burke, Cadwalader, Carroll, Clymer, Contee, Fitzsimons, Floyd, Foster, Gale, Gerry, Gilman, Goodhue, Griffin, Grout, Hartley, Hathorn, Huger, Huntington, Lee, Leonard, Livermore, Moore, Partridge, Van Rensselaer, Schureman, Sedgwick, Sevier, Sherman, Silvester, Sinnickson, Smith, of Maryland, Smith, of South Carolina, Stone, Sturges, Thatcher, Trumbull, Tucker, Vining, Wadsworth, White, Wynkoop.—45.

“*Resolved*—That the second clause or section of the said amendment be amended as followeth:—” H. Jor.  
p. 280

“*Line* 13th. Strike out ‘seven,’ and insert ‘eight.’”

“*Lines* 18th and 19th. Strike out ‘twenty-six dollars and eighty-eight cents,’ and insert ‘thirty-three dollars and one-third of a dollar.’”

“*Line* 21st. Strike out ‘eight hundred,’ and insert ‘seven hundred and ninety-seven.’”

“*Line* 25th. Strike out ‘seven,’ and insert ‘eight.’”

“*Line* 31st. Strike out ‘three,’ and insert ‘four.’”

A motion was then made further to amend the said amendment, by striking out the fourth clause or section, in the words following:—

“*And be it further enacted*—That if the whole sum allowed to be subscribed in the debt or certificates of any state, as aforesaid, shall not be subscribed within the time for that purpose limited, such state shall be entitled to receive, and shall receive, from the United States, an interest *per centum per annum*, upon so much of the said sum as shall not have been so subscribed, equal to that which would have accrued on the deficiency, had the same been subscribed, in trust for the non-subscribing creditors of such state, who are holders of certificates or notes issued on account of services or supplies towards the prosecution of the late war, and the defence of the United States, or of some part thereof, to be paid in like manner as the interest on the stock which may be created by virtue of the said loan, and to continue until there shall be a settlement of accounts between the United States and the individual states; and, in case a balance shall then appear in favour of such state, until provision shall be made for the said balance.”

The question being taken on this motion, it was determined in the negative by the following vote:—

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*Ayes*—Messrs. Baldwin, Bloodworth, Brown, Coles, Contee, Gilman, Jackson, Livermore, Mathews, Moore, Van Rensselaer, Sevier, Williamson.—13.

*Noes*—Messrs. Ashe, Ames, Benson, Boudinot, Burke, Cadwalader, Carroll, Clymer, Fitzsimons, Floyd, Foster, Gale, Gerry, Goodhue, Griffin, Grout, Hartley, Hathorn, Heister, Huntington, Lawrance, Lee, Leonard, Madison, jr., Muhlenberg, Page, Parker, Partridge, Schureman, Sedgwick, Seney, Sherman, Silvester, Sinnickson, Smith, of Maryland, Smith, of South Carolina, Steele, Stone, Sturges, Sumpter, Thatcher, Trumbull, Tucker, Vining, Wadsworth, White, Wynkoop.—47.

The main question being then put, that the House agree to the said amendment proposed by the Senate, for adding to the end of the bill several clauses "making a provision for the debts of the respective states," as now amended, it was determined in the affirmative by the following vote:—

H. Journal,  
p. 281.

*Ayes*—Messrs. Ames, Benson, Boudinot, Burke, Cadwalader, Carroll, Clymer, Fitzsimons, Foster, Gale, Gerry, Goodhue, Grout, Huger, Huntington, Lawrance, Lee, Leonard, Partridge, Schureman, Sedgwick, Sherman, Silvester, Sinnickson, Smith, of South Carolina, Sturges, Sumpter, Thatcher, Trumbull, Tucker, Vining, Wadsworth, White, Wynkoop.—34.

*Noes*—Messrs. Ashe, Baldwin, Bloodworth, Brown, Coles, Contee, Floyd, Gilman, Griffin, Hartley, Hathorn, Heister, Jackson, Livermore, Madison, jr., Mathews, Moore, Muhlenberg, Page, Parker, Van Rensselaer, Scott, Seney, Sevier, Smith, of Maryland, Steele, Stone, Williamson.—28.

The Senate, on the 27th of July, ordered the resolutions of the House to be printed; and, on the following day, proceeded to consider the same, and the amendments of the House to the amendments of the Senate, and

S. Journal,  
p. 190.

Resolu-  
tion of Se-  
nate.

"Resolved—That they agree to the first amendment, to wit: line 12th. Strike out 'seven,' and insert 'eight.'"

This reserves to the United States the power to redeem, at their option, of the sum borrowed, at the rate of eight *per cent. per annum*.

On motion to agree to the second amendment; to wit:—"line 17. Strike out 'twenty-six dollars and eighty-eight cents,' and insert 'thirty-three dollars and one-third of a dollar;'" the question was decided in the affirmative, as follows:—

Id. p. 191.

*Yeas*—Messrs. Butler, Dalton, Elmer, Gunn, Henry, Izard, King, Langdon, Morris, Paterson, Schuyler, Walker.—12.

1st Congress.  
2d Session.

*Nays*—Messrs. Bassett, Carroll, Ellsworth, Few, Foster, Hawkins, Johnston, Lee, Read, Stanton, Strong, Wingate.—13.

The numbers being equal, the casting vote of the Vice-President determined the question in the affirmative.

The effect of this amendment is to entitle the subscriber to a second certificate for thirty-three and one-third dollars of the sum subscribed, instead of twenty-six dollars and eighty-eight cents, in every hundred; his second, or deferred certificate, to bear an interest of six *per cent.*, after the year 1800.

Action of  
Senate on  
the amend-  
ments of  
House.

It was moved to disagree to the third amendment; to wit:—  
“*Line 19th.* Strike out ‘eight hundred,’ and insert ‘seven hundred and ninety-seven;’” by which the subscriber will be entitled to an interest of six *per cent.* on his deferred certificate, after the year 1797, instead of 1800. The question being taken on this motion, it was decided as follows:—

*Yeas*—Messrs. Bassett, Carroll, Ellsworth, Few, Foster, Hawkins, Johnston, Lee, Read, Stanton, Strong, Wingate.—12.

*Nays*—Messrs. Butler, Dalton, Elmer, Gunn, Henry, Izard, King, Langdon, Morris, Paterson, Schuyler, Walker.—12.

The numbers being again equal, the Vice-President gave his casting vote in favour of the amendment.

The fourth amendment to the amendments:—“*Line 23d,* strike out ‘seven,’ and insert ‘eight,’” thus providing that the United States may redeem, by annual payments, on account of principal and interest, at the rate of eight *per cent.* instead of seven *per cent. per annum*, was agreed to.

The Senate then proceeded to the consideration of the fifth amendment, namely:—“*Line 40th,* strike out ‘three,’ and insert ‘four,’” which provides that the subscribers shall be entitled to an interest of four, instead of three, *per cent.* for such part of their subscription as they may pay in the arrears of interest, including indents. The question being taken on agreeing to this amendment, it was decided in the negative, by the following vote:—

*Yeas*—Messrs. Dalton, Henry, King, Langdon, Morris, Paterson, Schuyler, Walker.—8.

*Nays*—Messrs. Bassett, Butler, Carroll, Ellsworth, Elmer, Few, Foster, Gunn, Hawkins, Johnston, Izard, Lee, Read, Stanton, Strong, Wingate.—16.

The sixth amendment to the amendments was agreed to, as follows:—“*Provided, also, and be it further enacted*—That, if the total amount of the sums which shall be subscribed to the said loan, in the debt of any state, within the time limited for

1st Congress.  
2d Session.

Action of  
Senate on  
the amend-  
ments of  
House.

receiving subscriptions thereto, shall exceed the sum by this act allowed to be subscribed within such state, the certificates and credits granted to the respective subscribers shall bear such proportion to the sums by them respectively subscribed, as the total amount of the said sums shall bear to the whole sum so allowed to be subscribed, in the debt of such state, within the same; and every subscriber to the said loan shall, at the time of subscribing, deposit with the commissioner the certificates or notes to be loaned by him."

The Senate also agreed to the seventh amendment to the amendments; namely:—"In the second clause or section, *line* 13th, strike out 'seven,' and insert 'eight.'" This applies to the assumed debt, and provides that the United States may redeem, by annual payments, on account of principal and interest, at the rate of eight *per cent.* instead of seven *per cent. per annum.*

It was then moved to agree to the eighth amendment; namely:—"Lines 18th and 19th, strike out 'twenty-six dollars and eighty-eight cents,' and insert 'thirty-three dollars and one-third of a dollar.'" This applies to the assumed part of the debt, and will entitle the subscriber to a second certificate for thirty-three dollars and one-third of a dollar *per cent.*, instead of twenty-six dollars and eighty-eight cents on every hundred; the said second certificate to be on interest at six *per cent.* after the year 1800. The question being put on the motion to agree, it was decided in the affirmative by the following vote:—

*Yeas*—Messrs. Butler, Dalton, Elmer, Henry, Johnston, Izard, S. Journal, King, Langdon, Morris, Paterson, Schuyler, Strong, Walker. p. 192.  
—13.

*Nays*—Messrs. Bassett, Carroll, Ellsworth, Few, Foster, Gunn, Hawkins, Lee, Read, Stanton, Wingate.—11.

The next motion in order was, to agree to the ninth amendment to the amendments; namely: *line* 21st, strike out "eight hundred," and insert, "seven hundred and ninety-seven." This provides, as it applies to the assumed debts, that the subscriber shall be entitled to an interest of six *per cent.*, on the deferred part of the sum subscribed after the year 1797, instead of 1800. The question being taken on this motion, it was determined in the negative, by the following vote:—

*Yeas*—Messrs. Butler, Dalton, Elmer, Henry, Izard, King, Langdon, Morris, Paterson, Schuyler, Strong.—11.

*Nays*—Messrs. Bassett, Carroll, Ellsworth, Few, Foster, Gunn, Hawkins, Johnston, Lee, Read, Stanton, Walker, Wingate.—13.



at Congress.  
1 Session.

Action of  
Senate on  
the amend-  
ments of  
House.

A motion was then made to reconsider the third amendment to the amendments of the Senate; which was decided in the affirmative, by the following vote:—

*Yeas*—Messrs. Bassett, Carroll, Dalton, Ellsworth, Elmer, Few, Foster, Hawkins, Johnston, Izard, Lee, Paterson, Read, Stanton, Strong, Wingate.—16.

*Nays*—Messrs. Butler, Gunn, Henry, King, Langdon, Morris, Schuyler, Walker.—8.

The question was then taken on agreeing to the third amendment of the House of Representatives to the amendments of the Senate, and was decided in the negative, by the following vote:—

*Yeas*—Messrs. Butler, Gunn, Henry, King, Langdon, Morris, Schuyler, Walker.—8.

*Nays*—Messrs. Bassett, Carroll, Dalton, Ellsworth, Elmer, Few, Foster, Hawkins, Johnston, Izard, Lee, Paterson, Read, Stanton, Strong, Wingate.—16.

It was then moved to agree to the tenth amendment to the amendments; namely: "*line 25th*, strike out 'seven,' and insert 'eight.'" This applies to the assumed part of the debt, as the seventh amendment applies to the domestic debt. The question being taken on the motion to agree, it was decided as follows:—

*Yeas*—Messrs. Butler, Dalton, Elmer, Henry, Izard, King, Langdon, Morris, Paterson, Schuyler, Strong, Walker.—12.

*Nays*—Messrs. Bassett, Carroll, Ellsworth, Few, Foster, Gunn, Hawkins, Johnston, Lee, Read, Stanton, Wingate.—12.

The numbers being equal, the Vice-President gave the casting vote in the affirmative.

A motion was then made to agree to the eleventh amendment to the amendments of the Senate; namely: *line 31st*, strike out "three," and insert "four." This provides, as it applies to the assumed debts, that the subscriber shall be entitled to an interest of four *per cent.*, instead of three *per cent.*, for one-third of the sum by him subscribed. The question being taken on this motion to agree, it was determined in the negative, by the following vote:—

*Yeas*—Messrs. Dalton, Henry, King, Langdon, Morris, Paterson, Schuyler, Walker.—8.

*Nays*—Messrs. Bassett, Butler, Carroll, Ellsworth, Elmer, Few, Foster, Gunn, Hawkins, Johnston, Izard, Lee, Read, Stanton, Strong, Wingate.—16.

House re-  
solved.

The proceedings of the Senate upon these amendments were then ordered to be communicated to the House of Representatives. H. Jour. P. 283.

1st Congress.  
2d Session.

tives; and the House, on the 29th, proceeded to consider this communication. It was then moved that the House recede from their disagreement to the third amendment proposed to the seventh amendment of the Senate to the bill; and the question being taken on this motion, it was decided in the affirmative, as follows:—

*Ayes*—Messrs. Ashe, Baldwin, Brown, Burke, Cadwalader, Carroll, Clymer, Fitzsimons, Floyd, Gale, Goodhue, Griffin, Grout, Hartley, Heister, Huger, Huntington, Lee, Leonard, Livermore, Muhlenberg, Partridge, Scott, Sedgwick, Sherman, Sinnickson, Smith, of South Carolina, Stone, Thatcher, Tucker, Vining, Wynkoop, Williamson.—33. H. Journal, p. 284.

*Noes*—Messrs. Ames, Benson, Bloodworth, Coles, Contee, Foster, Gerry, Gilman, Hathorn, Jackson, Lawrance, Madison, jr., Mathews, Moore, Page, Parker, Van Rensselaer, Schureman, Seney, Sevier, Silvester, Smith, of Maryland, Steele, Sturges, Sumpter, Trumbull, White.—27.

It was then moved that the House recede from their disagreement to the fifth amendment, proposed to the seventh amendment of the Senate, to the bill. And the question being taken on this motion, it was decided in the affirmative, by the following vote:—

*Ayes*—Messrs. Ashe, Baldwin, Brown, Burke, Cadwalader, Carroll, Clymer, Fitzsimons, Floyd, Gale, Goodhue, Grout, Hartley, Heister, Huger, Huntington, Lee, Leonard, Livermore, Muhlenberg, Partridge, Schureman, Scott, Sedgwick, Sherman, Silvester, Sinnickson, Smith, of South Carolina, Stone, Thatcher, Tucker, Williamson, Wynkoop.—33.

*Noes*—Messrs. Ames, Benson, Bloodworth, Coles, Contee, Foster, Gerry, Gilman, Griffin, Hathorn, Jackson, Lawrance, Madison, jr., Mathews, Moore, Page, Parker, Van Rensselaer, Seney, Sevier, Smith, of Maryland, Steele, Sturges, Sumpter, Trumbull, Vining, White.—27. Id. p. 285.

The House then receded from their third and fifth amendments proposed to the last amendment of the Senate, and the bill was thus passed.

On the 3d of August, 1790, the House of Representatives appointed a committee, consisting of Messrs. Jackson, Page, and Trumbull, to prepare and bring in a bill, or bills, making further provision for the debt of the United States, so far as respects the assumption of the debt of Georgia. And, on the same day, Mr. Jackson, from this committee, presented a bill which was

Bill to assume debt of Georgia.

[H. B. 94.]

Id. p. 287.

Id. p. 288.

1st Congress.  
3d Session.

then read the first time; and, on the following day, received the second reading, and was committed to a committee of the whole house. The House then resolved itself into committee on the bill, and several amendments were reported and agreed to by the House. The question being then put on the engrossment of the bill, it was decided in the negative; and, consequently, the bill was rejected.

Bill rejected.

The House of Representatives, on the 7th of August, went into a committee of the whole house on the state of the Union, to which committee had been referred some communications from the secretary of the treasury. The following resolutions were then reported from this committee, and agreed to by the House:—

H. Journal,  
p. 293.

Resolution  
of House  
is to reduction  
of  
debt.

“*Resolved*—That the sum of fifty thousand dollars, out of the moneys arising from the duties on imposts and tonnage, be reserved and appropriated for satisfying demands against the United States, not otherwise specially provided for; and that an act for that purpose ought to be passed the present session.

“*Resolved*—That out of the moneys reserved during the present session, for the support of government from the duties on imposts and tonnage, a sum not exceeding thirty-eight thousand and eight hundred and ninety-two dollars, and seventy-five cents, be appropriated for the payment of the debts contracted by Abraham Skinner, late commissary of prisoners, for the subsistence of the officers of the late army while in captivity.

“*Resolved*—That provision, by law, should be immediately made for the appropriation of the surplus sum which shall remain in the treasury after all the appropriations made during the present session shall be satisfied, in conformity to the tenor of the report of the secretary of the treasury.”

Bill making  
provision for the  
reduction  
of the public  
debt.

It was then ordered that Messrs. Fitzsimons, Vining, Madison, Ames, and Benson, be a committee to prepare and bring in bills in conformity with the preceding resolutions. And, on the 9th, Mr. Fitzsimons, from this committee, presented a bill making provision for the reduction of the public debt, which was read the first and second time, and committed to a committee of the whole house. The bill was, on the same day, considered in committee, and several amendments were reported, which were agreed to: after which the bill was read the third time, and passed. The bill received the first reading in the Senate on the same day; and, on the 10th, it was read the second

Id. p. 294.

Id. p. 295.

S. Journal,  
p. 206, 207.

H.B. 101.]

## CHAP. VII.

## Public Debt—Reduction.

1790.

1st Congress.  
2d Session.

time, after an unsuccessful motion to postpone its further consideration. It was then agreed to expunge these words in the 3d line of the preamble, "to the present session;" and, also, in the 4th and 5th lines, to expunge the words "by counteracting the purchase thereof by foreigners, below its true value, will, at the same time." And, in the 2d line of the 2d section, to strike out the words "five commissioners, who shall be." A motion was then made to strike out, in the 6th line of the 2d section, the words "openly and;" but it did not prevail. Another unsuccessful motion was then made to insert, in the 10th line of the 2d section, after "reservations," the words "and not less than five hundred thousand dollars."

It was then agreed to expunge, in the 12th line of the 2d section, these words, "of the product after the said last day of December next:"

"To insert, at the end of section 2d, these words, 'and the tonnage of ships or vessels, after the last day of December next,'

"To expunge section 3d, line 4th, the word 'commissioners,' and insert 'five persons, or any three of them.'

"To expunge, lines 6 and 7, the words 'by them.'

"To amend the proviso to read as follows; 'Provided—That out of the interest arising on the debt to be purchased in manner aforesaid, there shall be appropriated and applied a sum not exceeding the rate of eight *per centum per annum*, on account both of principal and interest, towards the repayment of the two millions of dollars so to be borrowed."

It was then unanimously agreed that the bill should be read the third time; and it was read the third time and passed. On the 11th, the House considered and agreed to the amendments of the Senate.

H. Journal,  
p. 297.2d Congress.  
2d Session.Report of  
commissioners  
of the Sink-  
ing Fund.

On the 10th of November, 1792, the President laid before the Senate a letter signed Thomas Jefferson, in behalf of the trustees of the Sinking Fund, who were appointed pursuant to the act, entitled "An act making provision for the reduction of the public debt," enclosing their accounts, and stating that, "from the 25th of October, 1791, there have been purchased, of various denominations of the public debt, to the amount of \$364,093 13 cents; and that, since the commencement of the business, \$1,495,457 89 cents of said debt have been purchased, for which the sum of \$967,821 65 cents, in specie, have been paid."

A similar communication was made to the House of Representatives.

1792.  
S. Journal,  
p. 459.H. Journal,  
p. 621.

1st Congress.  
3d Session.

Report of  
commissioners.

At the third session of the first Congress, on the 21st of December, 1790, a letter and report from the commissioners appointed by the act, passed at the last session, entitled "An act making provision for the reduction of the public debt," stating the amount of the purchases which had been made of the public debt, in pursuance of the powers vested in them by that act, were laid before the House of Representatives.

H. Jour  
p. 341.

The report was laid before the Senate on the same day, as follows :—

S. Jour  
p. 223.

*" Philadelphia, December 21st, 1790.*

"The Vice-President of the United States and President of the Senate, the Chief Justice, the Secretary of State, the Secretary of the Treasury, and the Attorney General, respectfully report to the Congress of the United States of America :

"That, pursuant to the act, entitled ' An act making provision for the reduction of the public debt,' they, on the 26th day of August last, convened at the city of New York, and entered upon the execution of the trust thereby reposed in them.

"That, in conformity to a resolution agreed upon by them on the 27th, and approved by the President of the United States on the 28th of the said month, they have caused purchases of the said debt to be made, through the agency of Samuel Meredith, treasurer of the United States, which, on the 6th day of December instant, amounted to two hundred and seventy-eight thousand six hundred and eighty-seven dollars and thirty cents, and for which there have been paid one hundred and fifty thousand two hundred and thirty-nine dollars and twenty-four cents, in specie ; as will more particularly appear by a return of the said Samuel Meredith, confirmed by an authenticated copy of his account, settled at the treasury of the United States, which are herewith submitted, and prayed to be received as part of this report, and in which are specified the places where, the times when, the prices at which, and the persons of whom, the said purchases have been made.

"Signed, by order of the board,

" JOHN ADAMS."

"TREASURY DEPARTMENT, }

"Auditor's Office, Dec. 20, 1790. }

"I have examined and adjusted an account between the United States and Samuel Meredith, Esq., agent to the trustees named in the act of Congress, passed on the 12th day of August, 1790, for reducing the domestic debt; for purchases of said debt made before the 7th day of December, 1790; and find that the

## CHAP. VII.

## Public Debt—Reduction.

1790.

1st Congress.  
3d Session.Report of  
commissioners.

said Samuel Meredith, Esq., is debited in the books of the treasury for the sum advanced to him on account of said agency,

\$200,000 00

“I also find that the following purchases have been made by said agent:—

|   |                     |
|---|---------------------|
| “In certificates of registered debt, issued by the register of the treasury, exclusive of interest, since the first day of January, 1788, purchased at thirteen shillings in the pound, - - - -   | 54,494 99           |
| “In certificates, purchased at twelve shillings and ten pence in the pound, - - - -   | 1,500 00            |
| “In said certificates, purchased at twelve shillings and sixpence in the pound, - - - -   | 87,434 95           |
| “In funded six <i>per cent.</i> stock on the books of the treasury, purchased at fourteen shillings in the pound, - - - -   | 60,688 54           |
| “In funded three <i>per cent.</i> stock on the books of the treasury, purchased at seven shillings and two pence two farthings in the pound, - - - -  | 10,484 14           |
| “In deferred six <i>per cent.</i> stock on the books of the treasury, purchased at six shillings in the pound, - - - -  | 13,262 49           |
| “In indents of interest issued by direction of the late board of treasury, purchased at seven shillings and four pence in the pound, - - - -  | 299 00              |
| “In said indents of interest, purchased at seven shillings and two pence in the pound, - - - -  | 19,988 12           |
| “In warrants drawn on the treasury for said indents, purchased at seven shillings and four pence in the pound, - - - -  | 800 30              |
| “In said warrants, purchased at seven shillings and two pence in the pound, - - - -   | 3,462 16            |
| “In arrearages of interest on certificates, calculated to the first day of January, 1788, for which payment was made, as for indents, at seven shillings and two pence in the pound, - - - -  | 455 23              |
| Amounting to - - - -  | <u>\$252,869 92</u> |
| “On the certificates of registered debt before mentioned, amounting, in the whole, to \$143,429 94, interest was due from January 1st, 1788, in addition to the sums before stated, which interest, calculated to the 1st day of January, 1791, would amount to - - - - | 25,817 38           |
| “The amount of the domestic debt extinguished by  |                     |

## CHAP. VII.

## Public Debt—Reduction.

1790.

1st Congress,  
1st Session.Report of  
commissioners.

the purchases of the said agent, including interest thereon to January 1, 1791, is therefore, 278,687 30

“For which purchases, the said agent has paid, in specie, at the rates before mentioned, agreeably to a particular statement of his accounts, herewith transmitted, the sum of - - - - - 150,239 24

“Leaving a balance in his hands, of specie, for which he is to be debited in a future settlement of his accounts, the sum of - - - - - 49,760 76

278,687 30  
150,239 24  
49,760 76  
-----  
\$200,000 00

“The statement on which this report is founded, and the indents and warrants for indents before mentioned, are herewith transmitted for the decision of the comptroller of the treasury thereon.

“OLIVER WOLCOTT, jun., *Auditor*,

“TO NICHOLAS EVELEIGH, Esq.,

“*Comptroller of the treasury of the United States.*”

“Admitted and certified,

“NICHOLAS EVELEIGH, *Comptroller.*”

“TREASURY DEPARTMENT, }

“*Register's Office, December 21, 1790.* }

“The foregoing statement of Samuel Meredith, agent to the trustees named in the act passed on the 12th day of August, 1790, for the reduction of the public debt, his account of moneys received, and purchases made, under the said act, to the sixth instant inclusively, is a true copy of the original transmitted to me by the comptroller of the treasury, to be entered in the treasury books, the said original being filed on record in this office.

“JOSEPH NOURSE, *Register.*”

**Memorials.** On the same day, a memorial and remonstrance of the public creditors, citizens of Pennsylvania, was presented to the House, representing the insufficiency of the provision for the public creditors, made by the above named act, and praying that a more adequate provision might be made. Similar memorials and remonstrances, from citizens of New Jersey, who were also public creditors, were presented on the 18th of December, 1790, and 12th of January, 1791. These memorials were ordered to lie on the table.

H. Journal,  
p. 340.

Id. p. 344.

Id. p. 353.

**Bill directing mode in which** On the 14th of December, a committee was appointed by the House of Representatives to prepare and bring in a bill, or bills,

Id. p. 336.

## CHAP. VII.

## Public Debt—Lost Evidences—State Certificates.

1790.

1st Congress.  
3d Session.lost evi-  
dences of  
debt may  
be renew-  
ed.[H.B. 108.]  
[H.B. 118.]Not finally  
acted on.

Motion.

directing the mode in which the evidences of the debt of the United States, which have been, or may be, lost or destroyed, shall be renewed; and Messrs. Lee, Trumbull, and Cadwalader, were appointed of this committee. And, on the 28th, Mr. Lee, from this committee, presented a bill, which was then read the first time, and, on the next day, received the second reading, and was committed to a committee of the whole house. On the 7th and 10th of January, 1791, the bill was under the consideration of the committee, and several amendments having been reported, which were agreed to by the House, the bill, as amended, was ordered to be recommitted to Messrs. Lawrance, Sedgwick, Carroll, Clymer, Williamson, Sherman, and Sturges. Mr. Lawrance, on the 25th, from this committee, reported an amendatory bill, which was then read the first time, and, on the next day, received the second reading, and was committed to a committee of the whole house. There was no further action on this bill.

H. Journal,  
p. 344.

1791.

H. Journal,  
p. 351.Id. p. 362,  
363.

It was moved on the 3d of February, 1791, that the House come to the following resolution:—

“Whereas, certain certificates or evidences of debt, dated after the first day of January, one thousand seven hundred and ninety, have been issued by one or more of the states, which certificates purport that they were issued in lieu of certain other certificates, dated prior to the first of January, one thousand seven hundred and ninety; and the certificates of the first description are, on account of their date, not received by the loan officer, as subscriptions to the loan proposed by the United States, although the certificates, in lieu of which they were issued, are clearly within the description of the law, and would, if not cancelled, be recoverable at the loan office: Therefore,

“Resolved—That all certificates of the first description above, be received at the loan offices, as other evidences of the debt of the several states are, by law, receivable.”

Referred  
to the se-  
cretary of  
the trea-  
sury.Bill con-  
cerning  
certificates  
or evi-  
dences of  
the public  
debt.

It was then ordered that this motion be referred to the secretary of the treasury, with instruction to examine the same, and report his opinion to the House.

On the 25th of February, the speaker laid before the House a letter from the secretary of the treasury, covering his report respecting certificates or evidences of debt issued after the 1st of January, 1790, which report was, on the 1st of March, referred to Messrs. Lawrance, Tucker, and Wadsworth, with instruction to prepare and bring in a bill, or bills, pursuant thereto. Mr. Lawrance, on the next day, presented a bill concerning

H. Journal,  
p. 392.

Id. p. 398.

Id. p. 400.

[H.B. 141.]



## CHAP. VII.

## Public Debt—Lost Evidences—Foreign Officers.

1791.

1st Congress.  
1st Session.Not acted  
on.

certain certificates or evidences of the public debt, which was then read the first time. This bill was not further acted on.

2d Congress.  
1st Session.Bill directing  
mode of renew-  
ing lost evi-  
dences of  
public  
debt.  
H.B.145.]

At the first session of the second Congress, on the 3d of November, 1791, Messrs. Sedgwick, Giles, and Dayton, were appointed a committee to prepare and bring in a bill directing the mode in which the evidences of the debt of the United States, which have been lost or destroyed, shall be renewed. And on the 9th, Mr. Sedgwick presented a bill, which was then read the first time; and, on the following day, received the second reading, and was committed to a committee of the whole house. The bill was considered in committee on the 17th, when several amendments were reported, which, after discussion, were agreed to on the 18th, when the question being put on the engrossment of the bill, it was decided in the negative; and the bill was therefore rejected.

H. Journal,  
p. 447.

Id. p. 451.

Id. p. 456,  
457.

Rejected.

1st Congress.  
1st Session.Debt to  
foreign of-  
ficers.

H.B.116.]

A MOTION was submitted to the House of Representatives on the 14th of January, 1791, and agreed to, that a committee be appointed to prepare and bring in a bill, or bills, to authorize the President of the United States to cause the debt due to foreign officers, the interest whereof is now payable in Paris, at the rate of six *per cent. per annum*, to be paid and discharged. And Messrs. Sedgwick, Benson, and Sevier, were appointed of this committee. Mr. Sedgwick, on the 19th, presented, from this committee, a bill which was then read the first and second time, and referred to a committee of the whole house. The bill was considered in committee on the 10th of February, when no amendment being reported, it was ordered to the third reading. And on the next day, the bill was read the third time and passed. On the 11th and 12th, the bill was read the first and second time, in the Senate, and was committed to Messrs. Maclay, Dickinson, and Wingate. Mr. Maclay made a report from this committee on the 22d of February, and on the 23d, the report was taken up for consideration, and rejected.

Id. p. 354.

Id. p. 357.

Id. p. 374,  
375.S. Journal,  
p. 261. 263.Id. p. 278,  
279.

Rejected.

Petitions  
public  
creditors,  
at grant.

Various petitions having been presented to the House of Representatives, on the subject of increasing the security to public creditors, a motion was submitted, on the 24th of February, that the House come to the following resolution:—

H. Journal,  
p. 389.

“Resolved—That it would be inexpedient to alter the system

## CHAP. VII.

## Public Debt—Refusal to change funding System.

1791.

1st Congress.  
3d Session.

for funding the public debt, established during the last session of Congress; and that the petition of Thomas M'Kean and others, styling themselves a committee of the public creditors of the commonwealth of Pennsylvania, and also the other petitions on that subject, cannot be granted."

Decision  
of House.

The question being put on this motion, it was decided in the affirmative, by the following vote:—

H. Journal,  
p. 390.

*Ayes*—Messrs. Ames, Ashe, Baldwin, Benson, Boudinot, Bourne, Brown, Burke, Cadwalader, Clymer, Contee, Fitzsimons, Floyd, Foster, Gale, Gilman, Goodhue, Griffin, Grout, Giles, Huntington, Jackson, Lawrance, Lee, Leonard, Livermore, Madison, jr. Mathews, Moore, Muhlenberg, Parker, Partridge, Van Rensselaer, Schureman, Sedgwick, Seney, Sherman, Silvester, Sinnickson, Smith, of Maryland, Smith, of South Carolina, Steele, Stone, Sturges, Sumpter, Thatcher, Trumbull, Tucker, Vining, Wadsworth, White, Williamson, Wynkoop.—53.

*Noes*—Messrs. Gerry, Scott.—2.

In the Senate, on the 21st of December, 1790, a motion, in reference to the same petitions, had been submitted, as follows:—

1790.

"*Resolved*—As the opinion of the Senate, that any deviation from the principles of the system contained in the act, entitled 'An act making provision for the debt of the United States,' would be dangerous and inexpedient."

S. Journal,  
p. 224, 225.

This motion was taken up for consideration on the 23d, when it was moved to postpone this resolution, and substitute the following:—

"*Resolved*—That it would be inexpedient to alter the system for funding the public debt, established during the last session of Congress; and that the petition of Thomas M'Kean and others, styling themselves a committee of the public creditors of the commonwealth of Pennsylvania, cannot be granted."

Decision of  
Senate, on  
petition of  
M'Kean  
and others.

The question being taken on the motion to substitute the latter resolution, it was decided in the affirmative, by the following vote:—

*Yeas*—Messrs. Bassett, Butler, Dalton, Dickinson, Ellsworth, Elmer, Few, Foster, Hawkins, Johnson, Johnston, Izard, King, Langdon, Maclay, Read, Schuyler, Stanton, Strong, Wingate.—20.

*Nay*—Mr. Morris.—1.

The resolution was then agreed to.

## CHAP. VII.

## Public Debt—Supplementary Act—Dutch Loan.

1790.

1st Congress.  
3d Session.

Bill supplementary to act making further provision for payment of U. States debts.

[S. B. 14.]  
Bill passed.

The Senate, on the 16th of December, 1790, ordered that Messrs. Schuyler, Hawkins, and Ellsworth be a committee to bring in a bill supplementary to the act, entitled "An act making further provision for the payment of the debts of the United States." For the complexion of the bill to which this is supplementary, the reader is referred to the 3d chapter of this volume, page 372—384. Mr. Schuyler on the same day, reported a bill, which was read the first time; and, on the following day, by a dispensation of the rule, received the second and third readings, and was passed. In the House this bill was read the first time on the 17th; and, on the 20th and 21st, went through the other stages.

S. Journal  
p. 222.H. Journal,  
p. 339, 340.Dutch  
loan.

On the 25th of February, 1791, the secretary of the treasury communicated to the two houses the following report, the subject having been referred to the opening speech of the President of the United States, at the commencement of the session:—

1791.

H. Journal,  
p. 391.S. Journal,  
p. 286, 287.Report of  
secretary  
of the trea-  
sury as to  
terms.

"The secretary of the treasury, in obedience to the orders of the President of the United States, as signified in his speech at the opening of the present session, respectfully informs the Senate and House of Representatives,—

"That the terms of the loan of three millions of florins, mentioned by the President as having been negotiated in Holland, are as follow:—

"The rate of interest is five *per cent.*, but the charges form a deduction from the principal sum of four and a half *per cent.*; which will occasion the real interest to be paid on the sum actually received by the United States to be equal to five and a quarter *per cent.* nearly.

"The reimbursement is to be made in six equal instalments, commencing in the year 1800, and ending in the year 1804; but it is in the option of the United States to reimburse the whole or any part of the sum borrowed, at any time they may think proper.

"That the disposition which has been made of the above-mentioned sum, is as follows:—

"One million five hundred thousand florins has been applied, pursuant to the directions of the President of the United States, as a payment to France.

"A further sum of about one hundred and sixty thousand florins will also have been appropriated towards a payment, on account of the Dutch loans which became due on the first day of February last, including a premium of seventy thousand florins.

1st Congress.  
3d Session.

Report.

"The residue is in a situation to be disposed of as may be judged expedient.

"A doubt arises how far this loan may be within the meaning of the "act making provision for the reduction of the public debt," on account of the limitation of the rate of interest, which, taking the charges of the loan into calculation, would be somewhat exceeded: and though it is presumed that that limitation was not intended to exclude the addition of the ordinary charges, yet a point of so much delicacy appears to require legislative explanation.

"The secretary of the treasury begs leave to observe that it is, in his judgment, highly expedient, and very important to the general operations of the treasury, that the above-mentioned loan should be deemed to be included within the meaning of the afore-said act. The residue may, in this case, be applied with material advantage to the purposes of that act, and the part which has been otherwise applied may be hereafter replaced. All which is humbly submitted.

"ALEXANDER HAMILTON,  
"Secretary of the Treasury.

"Treasury Department, February 24th, 1791."

Bill supplemental to the act making provision for the reduction of the public debt.

[H.B.136.]

This communication was, in the Senate, ordered to lie for consideration. In the House of Representatives, it was referred to Messrs. Fitzsimons, Lawrance, and Smith, of South Carolina, and, on the same day, Mr. Fitzsimons presented a bill supplementary to the act making provision for the reduction of the public debt, which was then read the first and second time, and committed to a committee of the whole house. On the 1st of March, the bill was considered in committee and reported without amendment, was read the third time and passed, and was sent to the Senate in the following form:—

H. Journal,  
p. 391, 392.

Id. p. 398.  
S. Journal,  
p. 297, 298.

Bill.

"Whereas, it hath been made known to Congress that the President of the United States, in consequence of the several acts, the one, entitled 'An act making provision for the debt of the United States,' the other, entitled 'An act making provision for the reduction of the public debt,' or one of them, hath caused a certain loan to be made in Holland, on account of the United States, to the amount of three millions of florins, bearing an interest of five *per centum per annum*, and reimbursable in six yearly instalments, commencing in the year one thousand eight hundred and six, or at any time sooner, in whole or in part, at the option of the United States.

## CHAP. VII.

## Public Debt—Dutch Loan—Supplementary Act.

1791.

1st Congress.  
3d Session.

Bill.

“And whereas it hath also been stated to Congress, that the charges upon the said loan have amounted to four and a half *per centum*, whereby a doubt hath arisen whether the said loan be within the meaning of the said last-mentioned act, which limits the rate of interest to five *per centum per annum*:

“And whereas it is expedient that the said doubt be removed:—

“Section 1. *Be it enacted and declared, by the Senate and House of Representatives of the United States of America, in Congress assembled*—That the loan aforesaid shall be deemed and construed to be within the true intent and meaning of the said act, entitled ‘An act making provision for the reduction of the public debt;’ and that any further loan, to the extent of the principal sum authorized to be borrowed by the said act, the interest whereof shall be five *per centum per annum*, and the charges whereof shall not exceed the said rate of four and a half *per centum*, shall, in like manner, be deemed and construed to be within the true intent and meaning of the said act.”

Passed.

The bill was read the first time on the 2d of March, and was then discussed; and, on the following day, the second reading took place, and the bill was then read the third time, and passed with the following amendments:—

“In the preamble, line 2, expunge from the word ‘of’ to the word ‘an,’ in the 3d line.

“Line 4. Expunge these words, ‘or one of them.’”

These amendments were agreed to by the House of Representatives. S. Journal p. 309.  
H. Journal p. 404.

2d Congress.  
1st Session.

At the commencement of the first session of the second Congress, the President invoked the attention of the two houses to the public debt, and the condition of the subscriptions to the loans proposed, stating, at the same time, that a further loan of two millions and a half of florins had been completed in Holland, and that another, for six millions, had been set on foot. On the 1st of November, 1791, the House of Representatives adopted the following order:—

Call on secretary of the treasury.

“Ordered—That the secretary of the treasury be directed to report to the House the amount of the subscriptions to the loans proposed by the act making provision for the public debt, as well in the debts of the respective states, as in the domestic debt of the United States, and of the parts which remain unsubscribed, together with such measures as are, in his opinion, expedient to be taken on the subject.” Id. p. 44.

## CHAP. VII.

## Public Debt—Subscriptions of Domestic Debt.

1792.

2d Congress.  
1st Session.

On the 7th of February, 1792, the speaker laid before the House a report from the secretary of the treasury in obedience to this requisition, which was committed to a committee of the whole house. The report was taken up for consideration in committee on the 22d, 28th, 29th, 30th, 31st of March, and 2d of April, when the following resolutions were reported:—

H. Journal,  
p. 503, 543,  
553—556.Resolu-  
tions of  
House as to  
subscrip-  
tions of do-  
mestic  
debt.

*“Resolved*—That the term for receiving, on loan, that part of the domestic debt of the United States which yet remains unsubscribed, be extended to the first day of ——— next, on the same terms as were provided by the act making provision for the public debt of the United States. *Id. p. 557.*

*“Resolved*—That provision ought to be made for payment of the interest on the unsubscribed part of the domestic debt of the United States, to the first day of ———, one thousand seven hundred and ninety ———, on like terms as was provided by the act aforesaid.

*“Resolved*—That the time for receiving, on loan, that part of the debt of the individual states, assumed by the United States, yet unsubscribed, be extended to the first day of ——— next, on the same terms as is provided by the act making provision for the public debt.

*“Resolved*—That a subscription for a further loan in the debts of the individual states be opened and continued to the first day ——— of next, not to exceed, in the whole, ——— millions of dollars, in the proportions following; that is to say:—

“In the debt of New Hampshire, ———,  
Massachusetts, ———,  
Rhode Island, ———,  
Connecticut, ———,  
New York, ———,  
New Jersey, ———,  
Maryland, ———,  
Virginia, ———,  
North Carolina, ———,  
South Carolina, ———,  
Georgia, ———,

*“Provided*—That the interest on such loan shall not be payable before the ——— day of ———: *And provided*—That when the sum, to be assumed for any state, shall not be subscribed by the holders of any of the evidences in which the same is made receivable, the state shall not be entitled to receive interest on the residue.

41 Congress.  
1st Session.

Resolu-  
tions of  
House.

*“Resolved—That the subscriptions to the aforesaid loans in state debt, be payable in such certificates, bills, notes, and evidences of debt whatsoever, as shall have been issued by the respective states, and by the several commissioners of loans of the United States, on account of the excesses of the sums subscribed in certain states, beyond the sums heretofore assumed for such states: Provided—That no such certificates, bills, notes, or evidences of debts of the respective states, shall be receivable upon the said loan, which, from the tenor thereof, from any public record, act, or document, shall appear, or can be ascertained to have been issued for purposes irrelative to compensations and expenditures for services or supplies towards the prosecution of the late war, and the defence of the United States, or of some part thereof during the same; but this shall not be construed to exclude any certificate, bill, note, or evidence of debt, which shall have been issued in lieu or on account of any other certificate, bill, note, or evidence of debt, which was itself issued, in relation to such compensations and expenditures.*

*“Resolved—That the debt due to certain foreign officers, the interest whereon is payable at the house of Grand, in Paris, be discharged out of any moneys obtained, on loan, by the President of the United States, in virtue of the act making provision for the public debt, which may now be unappropriated.*

*“Resolved—That the interest on so much of the domestic debt as has been, or may be, purchased for the United States, or as shall be paid into the treasury, and so much of the sum appropriated for the payment of the interest on the foreign and domestic debt as shall be over and above what may be sufficient for the payment of such interest, shall be appropriated for the redemption of the public debt. The said funds to be applied to the purposes aforesaid, by the commissioners hereafter mentioned, under the approbation of the President of the United States.*

Resolu-  
tions con-  
sidered.

*“Resolved—That — be commissioners for the purposes aforesaid; and that a precise account of all the debts redeemed, and of all purchases by them made, be laid before the legislature within — months after its first meeting in every year.”*

The House then proceeded to consider these resolutions, when it was moved to mend the first resolution, by adding to it the following words:—

*“Except that condition in the act, which renders the debt so far subscribed, subject to redemption by payments not exceeding,*

2d Congress.  
1st Session.

in one year, on account of both principal and interest, a proportion of eight dollars upon the hundred, in any certificate which shall be issued according to the terms therein specified; which condition, so far as it relates to any part of the debt which may hereafter be subscribed, shall be abolished."

Motion to  
amend ne-  
gated.

The question being taken on this motion to amend, it was decided in the negative, by the following vote:—

*Ayes*—Messrs. Ashe, Baldwin, Brown, Clarke, Findley, Giles, Gregg, Griffin, Grove, Heister, Jacobs, Kitchell, Kittera, Lee, Madison, Mercer, Moore, Murray, Page, Parker, Seney, Jere. Smith, Sumpter, Tredwell, Venable, White, Willis.—27.

*Noes*—Messrs. Ames, Barnwell, Benson, Boudinot, S. Bourne, B. Bourne, Fitzsimons, Gerry, Gilman, Goodhue, Gordon, Hartley, Huger, Key, Lawrance, Learned, Livermore, Macon, Muhlenberg, Niles, Sedgwick, Wm. Smith, Steele, Sterrett, Sturges, Silvester, Thatcher, Tucker, Wadsworth, Ward.—30.

1st, 2d, and  
3d resolu-  
tions a-  
greed to.

The first, second, and third resolutions were then agreed to by the House. On the 3d, the House proceeded to consider the *H. Journal,*  
P. 558.

fourth resolution: "*Resolved*—That a subscription for a further loan on the debts of the individual states be opened," &c. It was then moved to amend this resolution by inserting, after the words "individual states," these words, "whether discharged by the said states respectively, since the treaty of peace, or undischarged." And the question being taken on this motion, it was decided in the negative, by the following vote:— *Id. p. 559.*

Motion to  
amend 4th  
resolution  
negated.

*Ayes*—Messrs. Ashe, Baldwin, Brown, Findley, Giles, Gregg, Jacobs, Key, Kitchell, Livermore, Macon, Madison, Mercer, Moore, Niles, Parker, Seney, Sheridan, Jere. Smith, Sturges, Venable, Willis.—22.

*Noes*—Messrs. Ames, Barnwell, Benson, Boudinot, S. Bourne, B. Bourne, Fitzsimons, Gerry, Gilman, Goodhue, Gordon, Grove, Hartley, Hillhouse, Huger, Kittera, Lawrance, Learned, Muhlenberg, Murray, Page, Sedgwick, Wm. Smith, Steele, Silvester, Thatcher, Tucker, Wadsworth, Ward, White.—30.

4th resolu-  
tion reject-  
ed.

The question was then taken on agreeing to the fourth resolution, and determined in the negative, by the following vote:— *Id. p. 560.*

*Ayes*—Messrs. Ames, Barnwell, Benson, Boudinot, S. Bourne, B. Bourne, Fitzsimons, Gerry, Goodhue, Gordon, Grove, Hartley, Huger, Key, Lawrance, Learned, Macon, Muhlenberg, Sedgwick, Wm. Smith, Steele, Silvester, Thatcher, Tucker, Wadsworth, Ward.—28.

*Noes*—Messrs. Ashe, Baldwin, Brown, Clarke, Findley, Giles,



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Gilman, Gregg, Heister, Hillhouse, Jacobs, Kitchell, Kittera, Lee, Livermore, Madison, Mercer, Moore, Murray, Niles, Page, Parker, Seney, Sheridan, Jere. Smith, Sturges, Venable, White, Willis.—29.

5th resolution  
rejected.

On the following day, the fifth resolution was also rejected, *H. Journal*, and the sixth, seventh, and eighth resolutions were agreed to. It *p. 561.*

6th, 7th,  
and 8th res-  
olutions  
agreed to.

was then agreed that a bill, or bills, be brought in pursuant to the first, second, fourth, sixth, seventh, and eighth resolutions, and that Messrs. Fitzsimons, Lawrance, Key, Macon, and Smith, of South Carolina, prepare the same.

Committee  
to prepare  
bill.

It was then moved, "that it be an instruction to the committee last appointed, to report a provision for a loan of the remaining debts of the individual states;" and the motion being objected to as out of order, the speaker declared that it was not in order. An appeal was then made from the decision of the chair, but, the judgment of the House being in conformity with the speaker's decision, the motion was rejected.

Bill sup-  
plementary to act  
making  
provision  
for the  
debt of U.  
States.

On the 6th of April, Mr. Fitzsimons, from this committee, pre- *H. Journal*,  
sented a bill supplementary to the act making provision for the *p. 565.*  
debt of the United States, which was then read the first and second time, and committed to a committee of the whole house.

[H.B.178.]

The bill was considered in committee on the 2d, 3d, and 4th of *Id. p. 595,*  
May, when several amendments were reported, which received *596. 598.*  
the concurrence of the House. On the 5th, a motion was made to amend the bill, by inserting, after the third section, the following clause:—

*"And be it further enacted—That a further loan, to the amount of ——— dollars, be proposed, and subscriptions thereto be received, at the same times and places, and by the same persons, as hereinbefore mentioned, and that the sums which shall be subscribed to the said loan, shall be payable in the debts of the states hereinafter mentioned, and in the proportions following:—"*

The previous question was then demanded by five members; *Id. p. 599,*  
to wit: "Shall the main question to agree to the said motion be *600.*  
now put?" and the question being taken, it was decided in the negative, by the following vote:—

*Ayes*—Messrs. Ames, Barnwell, Benson, S. Bourne, B. Bourne, Fitzsimons, Gerry, Goodhue, Gordon, Huger, Lawrance, Learned, Murray, Wm. Smith, Steele, Sterrett, Sumpter, Silvester, Thatcher, Tucker, Vining, Wadsworth, Ward, Williamson.—24.

*Noes*—Messrs. Ashe, Baldwin, Boudinot, Brown, Clarke, Day-

## CHAP. VII.

## Public Debt—Claims not barred by Limitations.

1792.

2d Congress.  
1st Session.

ton, Findley, Giles, Gilman, Gregg, Griffin, Grove, Heister, Hillhouse, Jacobs, Key, Kitchell, Lee, Livermore, Macon, Madison, Moore, Muhlenberg, Niles, Page, Parker, Schoonmaker, Seney, Jere. Smith, I. Smith, Sturges, Tredwell, Venable, White, Willis.—35.

Bill passed.

There were then several amendments made to the bill, and it was ordered to be engrossed for the third reading. And, on the 7th, the bill was read the third time and passed, and was sent to the Senate for concurrence, where, on the same day, the bill went through all its stages, and was concurred in without amendment.

H. Journal,  
p. 601.S. Journal,  
p. 440.Settlement  
of claims  
barred by  
former li-  
mitations.

The House of Representatives, on the 10th of November, 1791, ordered the appointment of a committee, consisting of Messrs. White, Fitzsimons, and Niles, to prepare and bring in a bill, or bills, to provide for the settlement of the claims of persons under particular circumstances, barred by the limitations heretofore established: and, on the 8th of February following, Mr. White, from this committee, presented a bill, which was then read the first and second time, and committed to a committee of the whole house. The bill was considered in committee on the 20th, when several amendments were reported, which occupied the deliberations of the House during that day and the next, when they were agreed to; and the bill, having been further amended, was ordered to be engrossed for the third reading. On the 22d, the bill was read the third time, and passed. The Senate proceeded to act on the bill the same day, when it was read the first time, and, on the 24th, received the second reading, and was ordered to be read the third time, after being amended. On the 27th, after the third reading, the bill was referred to Messrs. Ellsworth, Lee, and Strong, from which committee a further amendment was reported on the 19th of March, when the bill was passed, as amended. On the following day, the amendments of the Senate were concurred in by the House of Representatives.

H. Journal,  
p. 452.Id. p. 503,  
504.Id. p. 514,  
516.

Id. p. 517.

S. Journal,  
p. 394.397.

Id. p. 412.

H. Journal,  
p. 541.

2d Session.

Bill rela-  
tive to  
claims not  
barred by  
acts of li-  
mitation.

On the 30th of November, 1792, the House of Representatives, in considering the petition of the executors of Edward Carnes, deceased, adopted the following resolution:—

H. Journal,  
p. 523.546.  
628. 630.

“Resolved—That a committee be appointed to inquire whether any, and what, measures are necessary to facilitate the settlement of claims against the United States, not barred by acts of limitation, founded upon certificates granted, or settlements

2d Congress.  
2d Session.

made by any officer or officers, heretofore authorized by the United States to issue certificates, or make settlements in their behalf, and who have not settled their accounts; and to report the result of their inquiries."

It was then ordered, that Messrs. Goodhue, Fitzsimons, Dayton, Parker, and Niles, be a committee, pursuant to this resolution. On the 7th of December, Mr. Goodhue, from this committee, made a report, which was considered in committee of the whole on the 17th, when the following resolutions were reported, and concurred in by the House.

H. Jor  
p. 635

"*Resolved*—That all persons having claims upon the United States, not barred by any act of limitation, whether founded upon certificates, or other written documents from public officers, or otherwise, (except loan office certificates, certificates of final settlement, registers' certificates, and certificates issued pursuant to the act making provision for the debt of the United States,) shall exhibit the same at the treasury of the United States, within — months, or be for ever barred from payment or settlement.

"*Resolved*—That the accounting officers of the treasury be authorized to settle and adjust, after the expiration of the term aforesaid, all such of those claims as shall appear to them proper to be admitted, and to report to Congress upon all such as they may not think proper to admit."

It was then ordered, that Messrs. Goodhue, Fitzsimons, Dayton, Parker, and Niles, prepare and bring in a bill pursuant to these resolutions. And, on the 31st of December, Mr. Goodhue, from this committee, presented a bill relative to claims against the United States, not barred by any act of limitation, and which have not been already adjusted, which was read the first and second time, and committed to a committee of the whole house. The bill was acted on in committee on the 10th of January, 1793, when an amendment was reported, which was agreed to on the 14th, and the bill was ordered to be engrossed for the third reading. On the following day, the bill was read the third time, and passed. In the Senate, the bill received the first and second reading on the 15th and 16th, and was passed to the third reading; and, on the next day, was referred to Messrs. Hawkins, King, and Strong. Mr. Hawkins, on the 6th of February, reported the bill with an amendment, which was adopted, and the bill was ordered to the third reading. The third reading took place on the next day, after the bill had been amended, by inserting in *line* 14, after the word "interest," the

Id. p.

Id. p  
671.

S. Jor  
p. 471

Id. p  
481.

Bill passed.

## CHAP. VII.

## Public Debt—Loans to pay Debts due to States.

1792-93.

2d Congress.  
2d Session.

words, "balances entered in the books of the register of the treasury." The amendment was concurred in by the House on the next day.

H. Journal,  
p. 696.Interest on  
sum order-  
ed by Con-  
gress in  
1785 as an  
indemnity  
to certain  
persons.

Petitions from Udney Hay having been presented to the House of Representatives, during the first session of this Congress, praying reimbursement of money advanced to American officers, prisoners in Canada, and for damages and costs recovered against him by judgment of the Supreme Court of New York, and which were referred to the secretary of the treasury; and the secretary having reported on these petitions, at the next session, on the 22d of November, the report was referred, on the 24th of December, to Messrs. Benson, Griffin, and Willis, with instructions to prepare a bill. Mr. Benson, on the 26th, pre-

Id. p. 500.

[H.B. 208.]

sented a bill to provide for the allowance of interest on the sum ordered to be paid by the resolve of Congress, of the 28th of September, one thousand seven hundred and eighty-five, as an indemnity to the persons therein named, which was then read the first time, and received the second reading on the next day.

Id. p. 510.

Id. p. 510.

Id. p. 510.

Id. p. 510.

Id. p. 510.

The bill was considered on the 1st of January, and reported without amendment, and was then ordered to be engrossed for the third reading; and, on the 2d, the bill was passed. In the Senate, the bill was read the first and second time on the 2d and 3d, and was referred to Messrs. Strong, Sherman, and King. From this committee the bill was reported, on the 7th, without amendment; and, on the next day, was read the third time, and passed.

Id. p. 659,

660.

Bill passed.

the third reading; and, on the 2d, the bill was passed. In the Senate, the bill was read the first and second time on the 2d and 3d, and was referred to Messrs. Strong, Sherman, and King. From this committee the bill was reported, on the 7th, without amendment; and, on the next day, was read the third time, and passed.

S. Journal,

P. 467.

Id. p. 468,

469.

The following motion was submitted to the House of Representatives on the 12th of December, 1792.

H. Journal,  
p. 637.Resolu-  
tions as to  
loans.

"*Resolved*—That a loan to the amount of the balances which, upon a final settlement of accounts, shall be found due from the United States to the individual states, be opened at the treasury of the United States, and at the loan offices in the respective states, to commence within ——— months after the said balances shall be reported at the treasury, and to continue open for the term of ——— months, from the time of its commencement.

"*Resolved*—That the sums to be subscribed to such loans, be payable in the principal or interest of the certificates or notes issued by any such of the said states, as, upon the final settlement of accounts, shall have a balance due to them from the United

2d Congress.  
2d Session.

Resolu-  
tions as to  
loans.

States, and which shall have been liquidated to specie value, prior to the \_\_\_\_\_ day of \_\_\_\_\_ last.

*“Resolved*—That every subscriber to the said loan shall be entitled to certificates, according to the sum subscribed, of the like tenor and description, in the like proportions, and upon the like terms, as are specified and directed by the fifteenth and sixteenth sections of the act, entitled ‘An act making provision for the debt of the United States,’ except that interest on such of the certificates subscribed to the said loan as bear interest, shall be computed to the last day of the year one thousand seven hundred and ninety-three, inclusively, and that interest shall not begin to accrue upon any of the certificates which shall be issued in lieu thereof, till the first day of January, one thousand seven hundred and ninety-four.

*“Resolved*—That in all cases where the sum subscribed in the evidence of the debt of any state shall exceed the balance due to such state, the same shall be reduced, (in equal proportions,) to the sum actually due to such state.”

This motion was ordered to be committed to a committee of the whole house, and was considered in committee of the whole on the 10th and 11th of January, when it was reported without amendment. The House, on the following day, proceeded to the consideration of the motion, when a motion was made to amend the first resolution, by adding to the end thereof the following *proviso* :—

*“Provided*—That no such loan shall be opened in any state, without the assent of the legislature thereof, by an act approving the measure.”

The question being put on this motion, it was decided in the affirmative by the following vote:—

*Ayes*—Messrs. Ames, Barnwell, Benson, Boudinot, S. Bourne, B. Bourne, Clarke, Dayton, Fitzsimons, Gerry, Goodhue, Gordon, Hartley, Hillhouse, Huger, Key, Kitchell, Kittera, Lawrence, Learned, Leonard, Livermore, Madison, Muhlenberg, Niles, Page, Sedgwick, Silvester, Wm. Smith, Sterrett, Sturges, Sumpter, Thatcher, Tucker, Venable, Wadsworth, Ward, White.—38.

*Noes*—Messrs. Ashe, Baldwin, Findley, Giles, Gilman, Greenup, Gregg, Griffin, Grove, Heister, Lee, Macon, Mercer, Milledge, Moore, Murray, Orr, Parker, Schoonmaker, Steele, Tredwell, Williamson, Willis.—23.

The first resolution was then amended to read as follows:—

H. Jor  
P. 669. 6

## CHAP. VII.

Public Debt—Loans to pay Debts due to States.

1793.

2d Congress.  
2d Session.Resolu-  
tions as to  
loans.

*“Resolved*—That a loan, to the amount of the balances which, upon a final settlement of accounts, shall be found due from the United States to the individual states, be opened at the loan offices in the respective states, to commence within — months after the said balances shall be reported at the treasury, and to continue open for the term of — months from the time of its commencement: *Provided*—That no such loan shall be opened in any state without the assent of the legislature thereof, by an act approving the measure.”

The question being taken on agreeing to this resolution, it was decided in the affirmative by the following vote:—

H. Journal,  
p. 670.

*Ayes*—Messrs. Ames, Barnwell, Benson, Boudinot, S. Bourne, B. Bourne, Clarke, Dayton, Fitzsimons, Gerry, Gilman, Goodhue, Gordon, Hartley, Hillhouse, Huger, Key, Kittera, Lawrence, Learned, Leonard, Livermore, Muhlenberg, Sedgwick, Silvester, Wm. Smith, Sterrett, Sturges, Sumpter, Thatcher, Tucker, Wadsworth, Ward, White.—34.

*Noes*—Messrs. Ashe, Baldwin, Findley, Giles, Greenup, Gregg, Griffin, Grove, Heister, Kitchell, Lee, Macon, Madison, Mercer, Milledge, Moore, Murray, Niles, Orr, Page, Parker, Schoonmaker, I. Smith, Steele, Tredwell, Venable, Williamson, Willis.—28.

Resolu-  
tions a-  
greed to.

The remaining resolutions were then agreed to without amendment, and Messrs. Fitzsimons, Sedgwick, and Wm. Smith, were instructed to prepare and bring in a bill, or bills, in accordance with these propositions. On the 15th, Mr. Fitzsimons, from this committee, presented a bill “to authorize a loan in the certificates or notes of such states, as shall have balances due to them, upon a final settlement of accounts with the United States,” which was read the first and second time, and committed to a committee of the whole house. This bill was considered in committee of the whole on the 21st, and when the committee had risen, after

Id. p. 671,  
672.Bill report-  
ed.

making some progress, it was ordered that the committee of the whole be discharged from the further consideration of the bill, and that it be recommitted to Messrs. Fitzsimons, Sedgwick, and Wm. Smith. On the same day, Mr. Fitzsimons reported an amendatory bill, which was then read the first and second time, and committed to a committee of the whole house, and the House immediately went into committee of the whole on the bill. The bill was again considered in committee on the 22d and 23d, when several amendments were reported, which were agreed to by the House. On the 24th, it was moved to amend the bill by adding to the end of the second section the following *proviso*:—

Id. p. 676.

[H.B. 220.]

Id. p. 677,  
778.

2d Congress.  
2d Session.

*“ Provided—That no such notes or certificates shall be subscribable in any name, other than that of the original owner, if living, or, if dead, of his legal representative, and except such as are, or may be, transferred by executors, administrators, or assigns, under any bankrupt act, unless accompanied with an affidavit, certified by a magistrate, that the transfer or assignment to the party, in whose name and behalf the subscription is offered, was not made at any time, between the first day of January and the first day of June next, and that such party is the true and bona fide proprietor thereof.”*

Motions to  
amend.

The question being taken on this motion to amend, it was decided in the negative by the following vote:—

H. Jour  
p. 679

*Ayes*—Messrs. Ashe, Baldwin, Clarke, Dayton, Findley, Giles, Greenup, Gregg, Griffin, Grove, Heister, Jacobs, Kitchell, Lee, Macon, Madison, Mercer, Milledge, Moore, Niles, Orr, Page, Parker, Schoonmaker, Steele, Tredwell, Venable, White, Williamson, Willis.—30.

*Noes*—Messrs. Ames, Barnwell, Benson, Boudinot, S. Bourne, B. Bourne, Fitzsimons, Gerry, Gilman, Goodhue, Gordon, Hartley, Hillhouse, Huger, Key, Kittera, Lawrance, Learned, Leonard, Livermore, Muhlenberg, Murray, Sedgwick, Silvester, Jere. Smith, Wm. Smith, Sterrett, Sturges, Sumpter, Thatcher, Tucker, Wadsworth, Ward.—33.

It was then moved to amend the bill, by inserting, after the word “state,” in the third line of the second section, the words “for services rendered or supplies furnished, during the late war.” And the question being taken on this motion, it was decided in the negative by the following vote:—

*Ayes*—Messrs. Ashe, Baldwin, Boudinot, Clarke, Dayton, Findley, Giles, Greenup, Grove, Heister, Kitchell, Macon, Madison, Mercer, Milledge, Moore, Muhlenberg, Murray, Niles, Orr, Page, Parker, Schoonmaker, Jere. Smith, Steele, Tredwell, Venable, White, Williamson.—29.

*Noes*—Messrs. Ames, Barnwell, Benson, S. Bourne, B. Bourne, Fitzsimons, Gerry, Gilman, Goodhue, Gordon, Hartley, Hillhouse, Huger, Jacobs, Kittera, Lawrance, Learned, Leonard, Livermore, Sedgwick, Silvester, Wm. Smith, Sterrett, Sturges, Sumpter, Thatcher, Tucker, Wadsworth, Ward, Willis.—30.

The consideration of the bill having been resumed on the 25th, it was moved to strike out, in the 2d and 3d lines of the first section, the words “within — months;” and in lieu thereof, after the word “same,” in the tenth line, insert “to commence on the first day of January, one thousand seven hundred and nine-

24 Congress.  
24 Session.

ty-four." The question being taken on this motion, it was decided in the affirmative, by the following vote:—

*Ayes*—Messrs. Ames, Ashe, Baldwin, Barnwell, Benson, S. Bourne, B. Bourne, Dayton, Findley, Giles, Gilman, Greenup, Gregg, Griffin, Grove, Hillhouse, Jacobs, Kitchell, Kittera, Learned, Lee, Livermore, Madison, Milledge, Moore, Murray, Orr, Page, Parker, Schoonmaker, Sedgwick, Jere. Smith, I. Smith, Wm. Smith, Sterrett, Sturges, Sumpter, Venable, White.—39.

*Noes*—Messrs. Boudinot, Clarke, Fitzsimons, Gerry, Goodhue, Hartley, Heister, Huger, Lawrance, Leonard, Macon, Muhlenberg, Niles, Silvester, Steele, Thatcher, Tredwell, Tucker, Ward, Williamson.—20.

Bill ordered to be engrossed.

The question being then put on the engrossment of the bill for the third reading, it was decided as follows:—

Id. p. 682.

*Ayes*—Messrs. Trumbull, *speaker*, Ames, Barnwell, Benson, Boudinot, S. Bourne, B. Bourne, Dayton, Fitzsimons, Gerry, Gilman, Goodhue, Gordon, Hartley, Hillhouse, Huger, Kittera, Lawrance, Learned, Leonard, Livermore, Muhlenberg, Sedgwick, Silvester, Wm. Smith, Sterrett, Sturges, Wadsworth, Ward, White.—33.

*Noes*—Messrs. Ashe, Baldwin, Clarke, Findley, Giles, Greenup, Gregg, Griffin, Grove, Heister, Jacobs, Key, Kitchell, Lee, Macon, Madison, Mercer, Milledge, Moore, Murray, Niles, Orr, Page, Parker, Schoonmaker, Jere. Smith, I. Smith, Steele, Tredwell, Venable, Williamson, Willis.—32.

The question of the third reading of the bill came up on the 28th, when the previous question was called for by five members; to wit: "Shall the main question, that the said bill do pass, be now put?" And on the previous question, "Shall the main question be now put?" it was resolved in the affirmative, as follows:—

H. Journal,  
p. 683.

*Ayes*—Messrs. Ames, Barnwell, Benson, Boudinot, S. Bourne, B. Bourne, Dayton, Fitzsimons, Gerry, Gilman, Goodhue, Gordon, Hartley, Hillhouse, Huger, Key, Kittera, Lawrance, Learned, Leonard, Livermore, Muhlenberg, Sedgwick, Silvester, Wm. Smith, Sterrett, Sturges, Sumpter, Thatcher, Tucker, Wadsworth, Ward, White.—33.

*Noes*—Messrs. Ashe, Baldwin, Clarke, Findley, Giles, Greenup, Gregg, Griffin, Grove, Heister, Jacobs, Kitchell, Lee, Macon, Madison, Mercer, Milledge, Moore, Murray, Niles, Orr, Page, Parker, Schoonmaker, Jere. Smith, I. Smith, Steele, Tredwell, Venable, Williamson, Willis.—31.



## CHAP. VII.

## Public Debt—Information concerning Loans.

1793.

d Congress.  
d Session.

The question was then put on the passage of the bill, and decided in the affirmative, by the casting vote of the speaker, the numbers and names being precisely the same as on the question of engrossment. In the Senate, this bill was read the first and second time on the 28th and 29th; and was again taken up for consideration on the 4th of February. A motion was then made to agree to the first section of the bill, which was determined in the negative, as follows:—

H. Journal,  
p. 664.S. Journal,  
p. 476, 479.

*Yeas*—Messrs. Cabot, Dickinson, Ellsworth, Foster, Izard, King, Morris, Rutherford, Sherman, Stanton, Strong.—11.

*Nays*—Messrs. Bassett, Bradley, Brown, Burr, Butler, Edwards, Gunn, Hawkins, Henry, Johnston, Langdon, Monroe, Potts, Read, Robinson, Taylor, Wingate.—17.

bill reject-  
ed.

The subsequent sections of the bill were then disagreed to, and the bill was consequently rejected.

calls for in-  
formation  
concerning  
same.

On the 24th of December, 1792, the House of Representatives adopted this resolution:—

H. Journal,  
p. 653.

*Resolved*—That the secretary of the treasury be directed to lay before this House an account of the application of the moneys borrowed in Antwerp and Amsterdam, for the United States, within the present year.”

And on the 27th of the same month, the following resolution was adopted:—

*Resolved*—That the President of the United States be requested to cause this House to be furnished with a particular account of the several sums borrowed under his authority, by the United States; the terms on which each loan has been obtained; the applications to which any of the moneys have been made, agreeably to appropriations; and the balances, if any, which remain unapplied. In this statement it is requested that it may be specified at what times interest commenced on the several sums obtained, and at what times it was stopped by the several payments made.”

This resolution was ordered to be transmitted to the President of the United States. And on the 4th of January following, the speaker laid before the House a letter from the secretary of the treasury, accompanying certain statements relative to foreign loans, which have been made by the United States, under the authority of the President, pursuant to the above resolutions. These communications were laid on the table. On the 11th of January, also, another letter was laid before the House, from the

Id. p. 655.

Id. p. 662.

Id. p. 668.

2d Congress.  
2d Session.

same officer, accompanying his report of a supplementary statement of loans made in behalf of the United States, pursuant to the resolution of the 27th, last quoted. The same disposition was made of this report.

On the 23d of January, 1793, the House, among other resolutions, adopted the following:— H. Journal,  
p. 677.

*“Resolved—That the President of the United States be requested to cause to be laid before this House, copies of the authorities under which loans have been negotiated, pursuant to the acts of the fourth and twelfth of August, one thousand seven hundred and ninety, together with copies of the authorities directing the application of the moneys borrowed.*

*“Resolved—That the President of the United States be requested to cause this House to be furnished with the names of the persons by whom, and to whom, the respective payments of the French debt have been made in France, pursuant to the act for that purpose; specifying the dates of the respective drafts upon the commissioners in Holland, and the dates of the respective payments of the debt. A similar statement is requested respecting the debts to Spain and Holland.”*

On the 4th of February, a communication from the secretary of the treasury was received in reply, which was ordered to lie on the table. Id. p. 689.

The House of Representatives, on the 25th of February, Id. p. 718. adopted the following resolution:—

Resolution  
of House  
concerning  
receiving  
of loan in  
domestic  
debt.

*“Resolved—That the time for receiving, on loan, that part of the domestic debt of the United States which may not be subscribed prior to the first day of March next, pursuant to the terms proposed in the act, entitled ‘An act making provision for the debt of the United States,’ and, also, an act, entitled ‘An act supplementary to the act making provision for the debt of the United States,’ be extended on the same terms as is, by the first recited act, provided, to the ——— day of ———; and books for receiving such further subscriptions shall be opened at the treasury of the United States only, and to continue open until the said ——— day of ———, inclusively.”*

It was then ordered that Messrs. Goodhue, Griffin, and Gregg, Id. p. 719. prepare and bring in a bill embracing these views: and, on the 27th, Mr. Goodhue presented a bill for extending the time for receiving, on loan, that part of the domestic debt of the United States which may not be subscribed prior to the first day of

[H.B.240.]

## CHAP. VII.

## Public Debt—Claim of Maryland.

1793.

2d Congress.  
2d Session. March, 1793, which was then read the first and second time, and committed to a committee of the whole house. The bill was considered in committee of the whole on the 28th, and being reported without amendment, was ordered to be engrossed for the third reading; and, on the 1st of March, the blanks were filled up, and the bill was read the third time and passed. The bill was considered and concurred in by the Senate on the same day.

H. Journal,  
p. 724, 725.S. Journal,  
p. 500.

2d Congress.  
1st Session. On the 31st of March, 1792, the following motion was submitted to the House of Representatives:—

1792.

Claim of  
Maryland. “Whereas, by several documents and papers communicated in pursuance of a resolve of the legislature of Maryland, it appears that Nicholas Buxton Moore received from the treasurer of that state, on the 24th day of November last, the sum of two hundred and forty-two pounds, eight shillings, and three pence, current money of the said state, the amount of a judgment rendered against him in the General Court of the same state, on account of horses purchased for the use of the United States, during the late war; and that the claim of the said state, by the payment aforesaid, hath not been credited in the accounts of the same with the United States:

H. Journal,  
p. 555.

“Resolved—That the proper officers of the treasury be authorized, and they are hereby directed, to adjust and settle the said claim with the agent of the state aforesaid, any limitations in the acts of Congress to the contrary notwithstanding.”

Id. p. 556.

This motion was referred to Messrs. Seney, Gerry, and Sumpter. Mr. Seney reported on the 4th of April, and, on the 9th, the House considered the report, and came to the following resolution:—

Id. p. 562.

Id. p. 569,  
570.

“Resolved—That the claim of the said state be allowed for the sum of two hundred and forty-two pounds, eight shillings, and three pence, current money of the said state, paid to Nicholas Buxton Moore, for the amount of a judgment rendered against him, in the General Court of the said state, on account of horses purchased for the use of the United States, during the late war; and that the commissioners for settling the accounts between the United States and individual states, be authorized and directed to adjust and settle the said claim with the agent of the state aforesaid, on the same principles as other claims of the several states are adjusted and settled; any limitation in the acts of Congress to the contrary notwithstanding.”

## CHAP. VII.

## Public Debt—Call for Information.

1792.

2d Congress.  
1st Session.

[H.B.180.]

Bill not  
acted on.

2d Session.

Call on  
commis-  
sioners of  
public  
debt.

The same committee were then instructed to prepare and bring in a bill; and, on the 10th, Mr. Seney presented a bill to direct the settlement of a certain claim of the state of Maryland, which was then read the first and second time, and committed to a committee of the whole house. The bill was taken up in committee of the whole on the 12th, and some progress was made; but the bill does not appear to have been acted on at any subsequent period.

H. Journal,  
p. 571, 572.

Id. p. 577.

On the 19th of February, 1793, it was moved that the House of Representatives come to the following resolution:—

1793.

H. Journal,  
p. 706, 707.

“*Resolved*—That the commissioners for purchasing the public debt, be directed to lay before this House a statement of all their proceedings, not heretofore furnished.”

It was moved to amend the resolution by inserting, after the word “House,” the words, “their resolves as commissioners, approved by the President of the United States, together with.” And the question being taken on this motion, it was decided in the negative, by the following vote:—

*Ayes*—Messrs. Ames, Ashe, Barnwell, Benson, Boudinot, S. Bourne, B. Bourne, Dayton, Fitzsimons, Gilman, Goodhue, Gordon, Griffin, Hartley, Hillhouse, Huger, Kitchell, Kitters, Lawrance, Learned, Leonard, Livermore, Niles, Sedgwick, Silvester, Steele, Sturges, Thatcher, Wadsworth, Ward.—30.

*Noes*—Messrs. Baldwin, Clarke, Findley, Gerry, Giles, Greenup, Gregg, Grove, Heister, Hindman, Key, Lee, Macon, Madison, Mercer, Milledge, Moore, Muhlenberg, Murray, Orr, Page, Parker, Schoonmaker, Jere. Smith, I. Smith, Sumpter, Tredwell, Tucker, Venable, White, Willis.—31.

It was then moved to amend the resolution, by striking out the words “not heretofore furnished,” and inserting, in lieu thereof, the words, “under the acts for the reduction of the public debt, since the date of the purchases mentioned in their last report.” [The former reports of the commissioners may be found in the House Journal, p. 450 and 621.] The question being taken on this motion to amend, it was decided in the negative, by the following vote:—

Id. p. 707,  
708.

*Ayes*—Messrs. Ames, Barnwell, Benson, Boudinot, S. Bourne, B. Bourne, Dayton, Gilman, Goodhue, Lawrance, Learned, Leonard, Livermore, Sedgwick, Sturges, Thatcher, Wadsworth, Ward.—18.

*Noes*—Messrs. Ashe, Baldwin, Clarke, Findley, Fitzsimons,

1st Congress.  
3d Session.

Gerry, Giles, Gordon, Greenup, Gregg, Griffin, Grove, Hartley, Heister, Hillhouse, Hindman, Huger, Key, Kitchell, Kittera, Lee, Macon, Madison, Mercer, Milledge, Moore, Muhlenberg, Murray, Niles, Orr, Page, Parker, Schoonmaker, Silvester, Jere. Smith, I. Smith, Steele, Sumpter, Tredwell, Tucker, Venable, White, Willis.—43.

The resolution was then adopted by the following vote:—

*Ayes*—Messrs. Ashe, Baldwin, Clarke, Findley, Gerry, Giles, Gordon, Greenup, Gregg, Griffin, Grove, Hartley, Heister, Hindman, Key, Kittera, Lee, Macon, Madison, Mercer, Milledge, Moore, Muhlenberg, Murray, Niles, Orr, Page, Parker, Schoonmaker, Silvester, Jere. Smith, I. Smith, Steele, Sumpter, Tredwell, Tucker, Venable, White, Willis.—39.

*Noes*—Messrs. Ames, Barnwell, Benson, Boudinot, S. Bourne, B. Bourne, Dayton, Fitzsimons, Gilman, Goodhue, Hillhouse, Huger, Kitchell, Lawrance, Learned, Leonard, Livermore, Sedgwick, Sturges, Thatcher, Wadsworth, Ward.—22.

So the resolution was adopted; and, on the 25th, the speaker submitted to the House a letter from the commissioners, accompanying a statement, such as was called for by the resolution. The documents were ordered to lie on the table. H. Jo  
p. 71

1st Congress.  
3d Session.

Commissioners of  
loans.

On the 13th of January, 1791, a motion was submitted to the House of Representatives, "That a committee be appointed to consider and report whether any, and what, further compensation is necessary to be made to the commissioners of loans, to defray the extraordinary expense occasioned to them, in the first instance, in the execution of the act making further provision for the debt of the United States." The motion was ordered to be referred to the secretary of the treasury. The response of the secretary to this report was received on the 15th of February, which was considered on the 23d, and agreed to, as follows:— 17  
H. Jo  
p. 35  
  
Id. p.  
387.

"That provision should be made, by law, for admitting to the credit of the several commissioners of loans, in the settlement of their respective accounts, all such sums as shall appear to have been necessarily expended by them in the purchase of stationary, and for the hire of clerks in relation to the execution of their offices, from the commencement of the same to the first day of October next, deducting the salary of one clerk in respect to each of the commissioners of Massachusetts, New York, Pennsylvania, and Virginia."

## CHAP. VII.

## Public Debt—Compensation to Commissioners of Loans.

1791.

1st Congress.  
3d Session.

[H.B.135.]

Act making compensation to commissioners of loans for extraordinary expenses.

It was then ordered that Messrs. Williamson, Partridge, and White, prepare and bring in a bill to this effect. And, on the 24th, Mr. Williamson, from this committee, presented a bill for making compensations to the commissioners of loans for extraordinary expenses and services, which was then read the first and second time, and committed to a committee of the whole house. The bill was considered in committee of the whole on the 28th, when an amendment was reported as follows:—

H. Journal,  
p. 388, 389.H. Journal,  
p. 395.

“Strike out the last clause of the bill, in the words following: ‘excepting only the hire of one clerk for the several commissioners in the states of Massachusetts, New York, Pennsylvania, and Virginia.’”

The question being taken on agreeing to this amendment, it was decided in the negative, as follows:—

*Ayes*—Messrs. Ames, Benson, Burke, Cadwalader, Carroll, Clymer, Fitzsimons, Floyd, Gerry, Giles, Griffin, Hartley, Hathorn, Huntington, Lawrance, Muhlenberg, Van Rensselaer, Scott, Sedgwick, Stone, Trumbull, Wadsworth, Wynkoop.—23.

*Noes*—Messrs. Ashe, Baldwin, Bloodworth, Boudinot, B. Bourne, Brown, Contee, Foster, Gilman, Grout, Jackson, Leonard, Livermore, Mathews, Partridge, Schureman, Seney, Sherman, Sinnickson, Smith, of Maryland, Smith, of South Carolina, Sturges, Sumpter, Thatcher, Tucker, White, Williamson.—27.

The bill was then passed and sent to the Senate, where it was read the first time on the same day; on the 2d, the bill was read the second time, and referred to Messrs. Langdon, Schuyler, and Ellsworth. Mr. Langdon soon afterwards reported the bill with an amendment, which was agreed to, and the bill was passed on the following day, so amended as to strike out the words “excepting only the hire of one clerk for the several commissioners in the states of Massachusetts, New York, Pennsylvania, and Virginia.”

S. Journal,  
p. 293, 298,  
304, 306.

The amendment of the Senate was disagreed to by the House of Representatives, as follows:—

H. Journal,  
p. 403.

*Ayes*—Messrs. Cadwalader, Carroll, Clymer, Fitzsimons, Floyd, Gale, Griffin, Giles, Hartley, Hathorn, Heister, Huntington, Lawrance, Lee, Scott, Sedgwick, Sherman, Silvester, Trumbull, Wynkoop.—20.

*Noes*—Messrs. Baldwin, Boudinot, B. Bourne, Brown, Burke, Contee, Foster, Gilman, Jackson, Leonard, Livermore, Madison, jr., Muhlenberg, Partridge, Schureman, Sinnickson, Smith,

SEAP. VII.

Public Debt—Compensation to Commissioners of Loans.

1791.

1 Congress.  
1 Session.

of Maryland, Smith, of South Carolina, Sumpter, Vining, White, Williamson.—22.

The Senate, however, determining to adhere to their amendment, the House resolved to recede from their disagreement by the following vote, the question being to recede:—

S. Journal,  
p. 306.

*Ayes*—Messrs. Cadwalader, Clymer, Fitzsimons, Floyd, Gale, Griffin, Giles, Hartley, Hathorn, Huntington, Lawrance, Lee, Muhlenberg, Partridge, Scott, Sedgwick, Sevier, Sherman, Silvester, Trumbull, Vining, Wadsworth, Wynkoop.—23.

*Noes*—Messrs. Ashe, Baldwin, Bloodworth, Boudinot, Contee, Foster, Jackson, Leonard, Livermore, Mathews, Van Rensselaer, Schureman, Seney, Sinnickson, Smith, of Maryland, Smith, of South Carolina, Steele, Sumpter, White, Williamson.—20.

Bill passed. Thus the bill was concurred in.

1 Congress.  
1 Session.Compensa-  
on to  
commis-  
sioners of  
loans.

EARLY in the first session of the second Congress, a petition was presented to Congress, from Jabez Brown, commissioner of loans in the state of Rhode Island, praying to be allowed the expense of stationary and clerk hire, until the first day of October next, which was referred to the secretary of the treasury. On the 3d of March, a report was received by the House of Representatives from the secretary, on this petition, and also on a petition of William Gardner, commissioner of loans for the state of New Hampshire; and the report was referred to Messrs. Bourne, of Rhode Island, Mercer, and Tucker. A report was made by Mr. Bourne, from this committee, on the 16th, which was committed to a committee of the whole house, and was taken up for consideration in committee on the 1st of May, but without coming to any conclusion. On the 4th, the committee, on motion, were discharged from the further consideration of the report, and Messrs. Bourne, of Rhode Island, Griffin, and Ashe, were appointed a committee to prepare and bring in a bill to provide for the payment of the hire of clerks, and for stationary in the offices of the several commissioners of loans. Mr. Bourne, on the 7th, presented, from this committee, a bill for making compensations to the commissioners of loans for extraordinary expenses, which was read the first and second time, and ordered to be engrossed; and, on the same day, the bill was read the third time and passed. In the Senate, the bill was taken up on the same day, and received its various readings, and was passed without opposition or amendment.

1792.

H. Journal,  
p. 478. 526.Id. p. 537.  
594.

Id. p. 598.

H.B. 194.]

Id. p. 601.

Bill passed.

S. Journal,  
p. 440.

## CHAP. VII.

## Public Debt—United States Bank—Act of Incorporation.

1790-91.

1st Congress.  
3d Session.UNITED  
STATES  
BANK.

IN reference to the first charter of the Bank of the United States, which was granted by the first Congress, the proceedings, as connected with the public debt, properly demand a place in this chapter.

On the 13th of December, 1790, a report was communicated to the House of Representatives, by the secretary of the treasury, in relation to a provision for the establishment of the public credit, and in which a reference is made to the expediency of a national bank. And, on the following day, another letter from the secretary, Number 2, was communicated, containing a plan for the institution of a national bank. The report was committed to a committee of the whole house; and, on the 23d,

H. Journal,  
p. 336.

the clerk was ordered to carry to the Senate a copy of this report. On the same day, the Senate referred the report to Messrs. Strong, Morris, Schuyler, Butler, and Ellsworth, with an instruction to prepare a bill. Mr. Strong, on the 3d of January, reported a bill, which was read the first time, and, on the 6th, received the second reading. The bill was further considered and discussed on the 10th, 11th, 12th, and 13th, when it was agreed to fill the blank in the title with these words: "The United States of America." It was then moved to limit the term of incorporation to seven years, and a motion was made to extend the term of incorporation to the 4th of March, 1815. The question, on this latter motion, was decided in the affirmative, by the following vote:—

S. Journal,  
p. 225, 228,  
230—232.

[S. B. 17.]

Yeas—Messrs. Bassett, Dickinson, Ellsworth, Elmer, Johnson, King, Langdon, Morris, Read, Schuyler, Strong.—11.  
Nays—Messrs. Butler, Few, Foster, Hawkins, Henry, Johnston, Izard, Maclay, Monroe, Wingate.—10.

A motion was then made to add to the last clause agreed to, the following: "*Provided, nevertheless,* that nothing herein contained shall be construed to exclude the right of amending the same, or giving twelve months' notice from and after the first day of January, 1800." This motion was, on the following day, decided in the negative. A successful motion was then made to reconsider the term of incorporation, and to limit it to the 4th day of March, 1811. On the 17th and 18th, the bill was further considered, and was recommitted for further amendments. Mr. Strong, on the same day, reported various amendments, which were agreed to. It was moved, on the following day, to expunge the 12th section; namely: "*And be it further enacted—* That no other bank shall be established by any future law of the United States, during the continuance of the corporation

Id. p. 233.

Id. p. 234.



1st Congress.  
3d Session.

U. S. Bank.

hereby created; for which the faith of the United States is hereby pledged." But this motion did not prevail; and the bill was ordered to the third reading. On the 20th, the Senate proceeded to the third reading, when it was again moved to reconsider the term of incorporation, and limit it to the year 1801, instead of 1811; but this motion was determined in the negative, as follows:—

*Yeas*—Messrs. Butler, Few, Gunn, Hawkins, Izard, Monroe.—6.

*Nays*—Messrs. Bassett, Dalton, Dickinson, Ellsworth, Elmer, Foster, Johnson, King, Langdon, Maclay, Morris, Read, Schuyler, Stanton, Strong, Wingate.—16.

Another motion was then made to expunge the 12th section: but this motion was rejected, by the following vote:—

*Yeas*—Messrs. Butler, Few, Hawkins, Izard, Monroe.—5.

*Nays*—Messrs. Bassett, Dalton, Dickinson, Ellsworth, Elmer, Foster, Gunn, Johnson, Johnston, King, Langdon, Maclay, Morris, Read, Schuyler, Stanton, Strong, Wingate.—18.

Passed by  
Senate.

The bill was then passed with the following title: "An act to incorporate the subscribers to the Bank of the United States," and was sent to the House of Representatives for concurrence.

In the House of Representatives, this bill was read the first H. Jo  
and second time, on the 21st of January, and was committed to P- 35  
a committee of the whole house. And, on the 31st, the bill was Id. p.  
considered in committee of the whole, and, no amendment being  
reported, was ordered to the third reading. It was moved, on  
the 1st of February, that the bill be recommitted to the commit- Id. p.  
tee of the whole; and the question being taken on this motion,  
it was decided in the negative, as follows:—

*Ayes*—Messrs. Ashe, Baldwin, Bloodworth, B. Bourne, Brown, Burke, Carroll, Contee, Gale, Grout, Giles, Jackson, Lee, Madison, jr., Mathews, Moore, Parker, Smith, of Maryland, Smith, of South Carolina, Stone, Tucker, White, Williamson.—23.

*Noes*—Messrs. Ames, Benson, Boudinot, Cadwalader, Clymer, Fitzsimons, Floyd, Foster, Gerry, Gilman, Goodhue, Hartley, Hathorn, Heister, Huntington, Lawrance, Leonard, Livermore, Muhlenberg, Partridge, Van Rensselaer, Schureman, Scott, Seney, Sherman, Silvester, Sinnickson, Steele, Sturges, Thatcher, Trumbull, Vining, Wadsworth, Wynkoop.—34.

The bill was then discussed during the 2d and 3d of February Id. p.  
ry, when a motion was made to recommit the first section of the  
bill to a committee of the whole house, "for the purpose of al-  
tering the time or manner of subscribing; so that the holders of

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state securities, assumed to be paid by the United States, may be on a footing with the holders of other securities, formerly called national securities.”

This motion was made by Mr. Williamson, and led to some debate, when the question being taken, it was decided in the negative, as follows:—

*Ayes*—Messrs. Baldwin, Bloodworth, Brown, Burke, Carroll, Contee, Gale, Grout, Giles, Jackson, Lee, Madison, jr., Mathews, Moore, Sevier, Smith, of South Carolina, Steele, Stone, Tucker, White, Williamson.—21.

*Noes*—Messrs. Ames, Benson, Boudinot, B. Bourne, Cadwaller, Clymer, Fitzsimons, Floyd, Foster, Gerry, Gilman, Goodhue, Griffin, Hartley, Hathorn, Heister, Huntington, Lawrance, Leonard, Livermore, Muhlenberg, Parker, Partridge, Van Rensselaer, Schureman, Scott, Sedgwick, Seney, Sherman, Silvester, Sinnickson, Smith, of Maryland, Sturges, Thatcher, Trumbull, Vining, Wadsworth, Wynkoop.—38.

H. Journal,  
p. 370—  
372.

The bill was further debated on the 4th, 5th, 7th, and 8th; Mr. Madison, Mr. Gerry, Mr. Giles, Mr. Sedgwick, Mr. Boudinot, Mr. Stone, Mr. Jackson, Mr. Vining, and Mr. Smith, of South Carolina, being among the principal speakers. Mr. Madison then moved the previous question; namely: “Shall the main question be now put?” and this motion was decided in the affirmative, by the following vote:—

Legislative  
and Docu-  
mentary  
History of  
the Bank,  
p. 37—85.

*Ayes*—Messrs. Ames, Benson, Boudinot, B. Bourne, Cadwaller, Clymer, Fitzsimons, Floyd, Foster, Gerry, Gilman, Goodhue, Hartley, Hathorn, Heister, Huntington, Lawrance, Leonard, Livermore, Muhlenberg, Partridge, Van Rensselaer, Schureman, Scott, Sedgwick, Seney, Sevier, Sherman, Silvester, Sinnickson, Smith, of Maryland, Smith, of South Carolina, Steele, Sturges, Thatcher, Trumbull, Wadsworth, Wynkoop.—38.

H. Journal,  
p. 372.

*Noes*—Messrs. Ashe, Baldwin, Bloodworth, Brown, Burke, Carroll, Contee, Gale, Grout, Giles, Jackson, Lee, Madison, jr., Mathews, Moore, Parker, Stone, Tucker, White, Williamson.—20.

The main question was then put, that the bill do now pass, which was decided in the affirmative, as follows:—

*Ayes*—Messrs. Ames, Benson, Boudinot, B. Bourne, Cadwaller, Clymer, Fitzsimons, Floyd, Foster, Gerry, Gilman, Goodhue, Hartley, Hathorn, Heister, Huntington, Lawrance, Leonard, Livermore, Muhlenberg, Partridge, Van Rensselaer, Schureman, Scott, Sedgwick, Seney, Sevier, Sherman, Silvester, Sin-

Id. p. 373.

## CHAP. VII.

## Public Debt—United States Bank—Supplementary Act.

1791.

1st Congress. 3d Session. **nickson, Smith, of Maryland, Smith, of South Carolina, Steele, Sturges, Thatcher, Trumbull, Vining, Wadsworth, Wynkoop.**  
 U. S. Bank. —39.

Bill passed by House. **Noes**—Messrs. Ashe, Baldwin, Bloodworth, Brown, Burke, Carroll, Contee, Gale, Grout, Giles, Jackson, Lee, Madison, jr., Mathews, Moore, Parker, Stone, Tucker, White, Williamson.  
 —20.

## SUPPLEMENTARY BILL.

[H.B.125.]

Bill passed by House.

On the 9th of February, the House appointed Messrs. Smith, of South Carolina, Williamson, and Vining, to be a committee to prepare and bring in a bill supplementary to an act, entitled "An act to incorporate the subscribers to the Bank of the United States;" and, on the following day, Mr. Smith presented a bill, which was then read the first time, and, on the 11th, received the second reading, and was committed to a committee of the whole house. In committee, the bill was considered on the 22d, and several amendments were reported, which were agreed to, and the bill was ordered to be engrossed; and, on the next day, it was read the third time, passed, and transmitted to the Senate, where it was read the first time. On the 24th, the bill received the second reading, and was ordered to be read the third time, by the following vote:—

**Yeas**—Messrs. Bassett, Butler, Dalton, Dickinson, Ellsworth, Elmer, Few, Hawkins, Henry, Johnson, Johnston, Izard, King, Langdon, Lee, Maclay, Morris, Read, Schuyler, Stanton, Strong, Wingate.—22.

**Nays**—Messrs. Carroll, Gunn, Monroe.—3.

The bill was taken up for the third reading on the 25th of February, when an unsuccessful motion was made to add the following section to the bill:—

*"Sect. —. And be it further enacted—That the term 'law,' used in the third section of the original act, which requires that the by-laws, ordinances, and regulations of the said corporation, shall not be contrary to law or the constitution thereof, shall be construed to mean the laws of the individual states, as well as of the United States."*

This motion having been rejected, it was then moved to adopt the following clause, as an addition to the bill.

*"And be it further enacted—That nothing in the act to which this is a supplement, shall restrain the legislature of the United States from repealing the same, and abolishing the corporation thereby established, at any time after the fourth day of March, in the year one thousand eight hundred and two."*

H. Journal, p. 374, 375.

Id. p. 386, 387.

S. Journal p. 279.

Id. p. 280.

Id. p. 288.

## CHAP. VII.

## Public Debt—Reimbursement of Loan to United States Bank.

1791.

1st Congress.  
3d Session.

The question being taken on this motion, it was decided in the negative, by the following vote:—

U. S. Bank.

*Yeas*—Messrs. Butler, Carroll, Few, Gunn, Hawkins, Johnston, Izard, Lee, Monroe.—9.

*Nays*—Messrs. Bassett, Dalton, Dickinson, Ellsworth, Elmer, Foster, Henry, Johnson, King, Langdon, Maclay, Morris, Read, Schuyler, Stanton, Strong, Wingate.—17.

Bill passed  
by Senate.

The Senate then concurred in the bill as it came from the House of Representatives.

On the 21st of February, Mr. Schuyler gave notice that he should move for leave to bring in "a bill to provide further payment of balances due to the United States in certain cases." And, on the 26th, the bill was introduced and read the first time, as follows:—

Bill to authorize payment of balances due to the U. States, in certificates of debt from the U. States.

*"Sect. 1. Be it enacted, by the Senate and House of Representatives of the United States of America, in Congress assembled—That, in every case of the settlement of an account at the treasury of the United States, (in which, if a balance had been or should be found against the United States, such balance would have been or would be liquidated by a certificate,) if a balance has been or shall be found in favour of the United States, it shall be lawful for the person or persons from whom such balance is or shall be due, to pay or satisfy the same, in certificates of debt due from the United States, of the like tenor, and upon the like principles, as if such balance had been found against the United States."* S. Journal, p. 277. 289.

Postponed.

On the 28th, the bill was read the second time; and, after an unsuccessful motion to postpone, was committed to Messrs. Strong, Lee, and Schuyler. Mr. Strong reported on the same day, and the bill was then postponed to the next session of Congress. Id. p. 290, 291.

There is no record of any future action on the bill.

2d Congress.  
2d Session.

Bill to reimburse loan made of U. S. Bank.

IN his speech at the opening of the second session of the second Congress, the President of the United States, after advertising generally to the redemption of the public debt, thus remarks on the reimbursement of the loan due to the United States Bank:

1792.

H. Journal, p. 613.

"Provision is likewise requisite for the reimbursement of the loan which has been made of the Bank of the United States, pursuant to the eleventh section of the act by which it is incor-

2d Congress.  
2d Session.

Bill to re-  
imburse  
loan, &c.

porated. In fulfilling the public stipulations in this particular, it is expected a valuable saving will be made."

The eleventh section of the incorporation act to which the President here refers, is as follows:—

"*Sect. 11. And be it further enacted*—That it shall be lawful for the President of the United States, at any time or times, within eighteen months after the first day of April next, to cause a subscription to be made to the stock of the said corporation, as part of the aforesaid capital stock of ten millions of dollars, on behalf of the United States, to an amount not exceeding two millions of dollars; to be paid out of the moneys which shall be borrowed by virtue of either of the acts, the one entitled 'An act making provision for the debt of the United States;' and the other entitled 'An act making provision for the reduction of the public debt:' borrowing of the bank an equal sum, to be applied to the purposes for which the said moneys shall have been procured, reimbursable in ten years, by equal annual instalments, or at any time sooner, or in any greater proportions that the government may think fit."

On the 22d of November, the following resolution, reported H. Jc  
P- 62 by the committee of the whole house, to which had been referred the speech of the President, was agreed to by the House.

"*Resolved*—That the secretary of the treasury be directed to report the plan of a provision for the reimbursement of the loan made of the Bank of the United States, pursuant to the eleventh section of the act, entitled 'An act to incorporate the subscribers to the Bank of the United States.'"

On the 3d of December, the secretary reported a plan to the Id. f  
637. House, which was, on the 13th, committed to a committee of the whole house. And, on the 19th, a motion was made, and agreed to, to discharge the committee of the whole from the consideration of the report, and to appoint a committee "to report a bill authorizing a loan equal to the sum borrowed of the said bank, to be applied to the said reimbursement; and providing that so much of the dividend in the stock of government in the said bank, as may be necessary, be appropriated for paying the interest of the sum to be borrowed." Messrs. Sedgwick, Lawrence, and Murray, were then constituted this committee. And, Id. p [H.B. 207.] on the 21st, Mr. Sedgwick presented a bill conforming to the resolution of the House, which bill was read the first and second time, and committed to a committee of the whole house. This

## CHAP. VII.

## Public Debt—Reimbursement of Loan to United States Bank.

1792.

2d Congress.  
2d Session.Bill to re-  
imburse  
loan, &c.

bill was considered in committee of the whole on the 24th, and was reported with an amendment, which was agreed to by the House; and the bill and amendment were then ordered to lie on the table. The consideration of the bill was resumed on the 26th, when a motion was made to strike out the first section, as follows:—

H. Journal,  
p. 653.

Id. p. 654.

*“Sect. 1. Be it enacted, by the Senate and House of Representatives of the United States of America, in Congress assembled—That the President of the United States be, and he is hereby, authorized to cause to be borrowed, on behalf of the United States, a sum not exceeding two millions of dollars, at an interest not exceeding five per centum per annum, to be applied to the reimbursement of a loan made of the Bank of the United States, in pursuance of the eleventh section of the act, entitled ‘An act to incorporate the subscribers to the bank of the United States:’ Provided, That no engagement nor contract shall be entered into, which shall preclude the United States from reimbursing any sum or sums borrowed, within — years after the same shall be lent or advanced.”*

The question being taken on this motion, it was decided in the negative by the following vote:—

*Ayes*—Messrs. Ashe, Baldwin, Findley, Giles, Greenup, Grove, Lee, Madison, Moore, Parker, Schoonmaker, Silvester, I. Smith, Steele, Sturges, Sumpter, Tredwell, Venable.—18.

*Noes*—Messrs. Ames, Barnwell, Benson, Boudinot, S. Bourne, B. Bourne, Dayton, Fitzsimons, Gerry, Gilman, Goodhue, Gordon, Gregg, Griffin, Hartley, Hillhouse, Huger, Jacobs, Key, Kitchell, Kittera, Learned, Leonard, Livermore, Milledge, Murray, Niles, Sedgwick, Wm. Smith, Thatcher, Tucker, Wadsworth, White, Williamson, Willis.—35.

It was then moved to amend the bill, by striking out, in the sixth line of the first section, the words “two millions of dollars,” and inserting in their room, the words “two hundred thousand dollars.” The question being taken on this motion, it was decided as follows:—

Id. p. 654.  
655.

*Ayes*—Messrs. Ashe, Baldwin, Findley, Giles, Greenup, Gregg, Griffin, Grove, Key, Kitchell, Lee, Madison, Milledge, Moore, Niles, Parker, Schoonmaker, I. Smith, Steele, Sturges, Sumpter, Tredwell, Tucker, Venable, White, Williamson, Willis.—27.

*Noes*—Messrs. Trumbull, *speaker*, Ames, Barnwell, Benson, Boudinot, S. Bourne, B. Bourne, Dayton, Fitzsimons, Gerry,

1st Congress.  
1st Session.

Bill to re-  
mburse  
loan, &c.

Gilman, Goodhue, Gordon, Hartley, Hillhouse, Huger, Jacobs, Kittera, Learned, Leonard, Livermore, Murray, Sedgwick, Silvester, Wm. Smith, Thatcher, Wadsworth.—27.

The motion was, therefore, lost. It was then moved and agreed to, so to amend the bill, as to strike out, in the seventh line of the first section, the words “not exceeding,” and inserting in their place these words, “which, including the expense, shall not exceed.”

On the following day, the House refused a motion to resume the consideration of the bill, which was not again taken up until the 27th of February, 1793, when it was recommitted to a committee of the whole house, reported with amendments, and ordered to be engrossed for the third reading. On the next day, the bill was read the third time, and passed, with the title as follows:—“An act providing for the payment of the first instalment due on a loan made of the Bank of the United States.” The bill was read the first time in the Senate, on the same day, and, on the first of March, it was read the second and third time and

H. Journal,  
p. 656.

Id. p. 721,  
722.

S. Journal,  
p. 498, 500.

Bill passed. passed.

Calls on  
treasury  
for infor-  
mation con-  
cerning  
bank ac-  
count with  
U. States,  
&c.

On the 15th of January, 1793, a motion, as follows, was submitted to the Senate by Mr. Butler, and being seconded by Mr. Bradley, was agreed to:—

Id. p. 471.

“Ordered—That the secretary of the treasury lay before the Senate the account of the United States with the Bank of the United States; specifying the precise sums, with the dates of the debits and credits, from the institution of the bank to the day the return is made.

“That the secretary of the treasury also lay before the Senate an account of the surplus of revenue appropriated to the purchase of the public debt, to the same period; specifying the sums and dates.

“That he lay before the Senate a statement of the money borrowed by virtue of the law passed August the 4th, 1790, with the appropriation of the amount, and the precise dates.

Id. p. 472,  
480.

H. Journal,  
p. 678, 689.

“That he lay before the Senate the amount and application of the money borrowed by virtue of the law of August the 12th, 1790.

702, 704,  
709, 714.

“And that he lay before the Senate an account, exhibiting the probable surplus, and unappropriated revenue of the year 1792, stating, as far as possible, the dates and the sums.”

The secretary made his report on the 18th, in reply to this requisition. Various calls were also made, from time to time, on

2d Congress.  
2d Session.

the secretary of the treasury, for information concerning the sinking fund, and several reports were communicated by him to Congress, connected with that subject.

On the 21st of January, it was moved that the Senate come to the following order:— S. Journal,  
p. 473.

Call on  
trustees of  
sinking  
fund.

*“Ordered—That the trustees of the sinking fund lay before the Senate an account of the funds under their direction, stating specially the reasons of their proceedings, the surpluses now on hand, and where deposited.”*

This motion was considered on the 23d, when the words “spe- Id. p. 474.  
cially the reasons of their proceedings” were stricken out; and, after an unsuccessful motion to amend the order, by adding “together with the journal of their proceedings in the execution of their trust,” it was agreed to in the original form.

The following motion was also submitted to the Senate, on the Id. p. 473.  
21st of January:—

*“Ordered—That the secretary of the treasury lay before the Senate a general account, exhibiting the amount of all the public funds and moneys, (loans included,) up to the end of last year, and what remains of each appropriation, either in cash, bonds, certificates, or other securities, and stating where the balances are deposited.*

*“That he also lay before the Senate a copy of the powers under which he negotiated the loans made under the laws of the 4th and 12th of August, 1790, and the original communications from the public commissioners in Holland, stating the difficulties of making separate loans under the said acts, as mentioned in his letter of January, 1793.*

*“That he particularly state the amount which has been drawn into the United States, of the moneys borrowed in Europe, under the acts of the 4th and 12th of August, 1790; the purposes for which drawn; how any part thereof hath been applied; with the balance now on hand, and where deposited.”*

This motion was considered on the 23d, when the first para- Id. p. 474.  
graph was amended by adding, at the end, these words, “as far as the same can at present be done;” and the second paragraph being withdrawn, the motion was agreed to in the amended form.

Reports, in obedience to this requisition, were submitted by Id. p. 480.  
486. 489.  
the secretary of the treasury to the Senate, on the 6th, 14th, and 18th of February.



2d Congress.  
1st Session.

Memorial  
from mer-  
chants of  
Charleston.

2d Session.

ON the 23d of December, 1791, there was presented to the House of Representatives a memorial and petition of sundry merchants of Charleston, South Carolina, engaged in commerce, previously to the late revolution, stating the peculiar hardships under which they labour, from the twofold causes of the operation of the fourth article of the definitive treaty of peace, and of so much of the act of Congress for funding the public debt, as redeems the old continental money, at the rate of one hundred dollars thereof for one dollar specie; the former requiring them to pay their British debts in sterling money, with full interest to the present time; and the latter, depriving them of all hope of indemnity, from the effects of depreciation and tender laws to which they were exposed during the war, and praying relief. This memorial was, on the 15th of February following, committed to a committee of the whole house on the state of the Union. Here the subject rested until the next session. In the mean time, many petitions of similar import, or nearly so, having reference to the depreciation on the certificates of debt given to them, were presented from the officers and soldiers of the lines of New Hampshire, Massachusetts, New York, Pennsylvania, Delaware, and Maryland, which were referred to a committee of the whole house; and, on the 15th of January, 1793, it was moved to refer the memorial of the Charleston merchants to the same committee. The previous question being called for, viz: "Shall the main question, to agree to the said motion, be now put?" it was decided in the affirmative, by the following vote:—

*Ayes*—Messrs. Ames, Barnwell, Boudinot, S. Bourne, B. Bourne, Clarke, Fitzsimons, Gerry, Gilman, Goodhue, Gordon, Greenup, Heister, Kitchell, Learned, Leonard, Livermore, Niles, Sedgwick, Jere. Smith, I. Smith, Wm. Smith, Steele, Sterrett, Sturges, Sumpter, Thatcher, Tucker, White, Williamson.—30.

*Noes*—Messrs. Ashe, Baldwin, Benson, Dayton, Giles, Gregg, Grove, Hartley, Hillhouse, Jacobs, Lee, Macon, Madison, Mercer, Muhlenberg, Murray, Orr, Page, Parker, Silvester, Tredwell, Venable, Ward, Willis.—24.

The question was then taken on agreeing to the motion, and was decided in the negative, as follows:—

*Ayes*—Messrs. Ames, Barnwell, Boudinot, S. Bourne, B. Bourne, Clarke, Fitzsimons, Gerry, Gilman, Goodhue, Gordon, Kitchell, Learned, Leonard, Livermore, Jere. Smith, I. Smith, Wm. Smith, Sterrett, Sturges, Sumpter, Thatcher, Tucker, White.—24.

*Noes*—Messrs. Ashe, Baldwin, Benson, Dayton, Giles, Green-

H. Jo  
P. 481

Id. p.

Id. p.

H. Jo  
P. 671

## CHAP. VII.

## Public Debt—Depreciation of Continental Money, &amp;c.

1798.

2d Congress.  
2d Session.

up, Gregg, Grove, Hartley, Heister, Hillhouse, Jacobs, Lee, Macon, Madison, Mercer, Muhlenberg, Murray, Niles, Orr, Page, Parker, Sedgwick, Silvester, Steele, Tredwell, Venable, Ward, Williamson, Willis.—30.

The motion was therefore negatived, and the House went into committee of the whole on the memorials of the officers and soldiers described, as it had done on the previous day. On the 16th, this committee reported a resolution, which being amended to read as follows:—

H. Journal,  
p. 671. 673.

Memorial  
of officers  
and sol-  
diers, com-  
plaining of  
deprecia-  
tion in their  
certificates  
of debt, not  
granted.

*Resolved*—That it is the opinion of this committee, that the prayer of the memorials of the officers and soldiers of several of the lines of the late army of the United States, ought not to be granted:”

In this form, the resolution was agreed to, as follows:—

*Ayes*—Messrs. Ames, Barnwell, Benson, Boudinot, S. Bourne, B. Bourne, Clarke, Findley, Fitzsimons, Gilman, Goodhue, Gordon, Gregg, Grove, Heister, Hillhouse, Jacobs, Key, Kitchell, Kittera, Lawrance, Learned, Lee, Leonard, Livermore, Macon, Moore, Muhlenberg, Orr, Sedgwick, Silvester, Jere. Smith, Wm. Smith, Steele, Sterrett, Sturges, Sumpter, Thatcher, Tucker, Venable, Wadsworth, White, Williamson.—43.

Id. p. 673,  
674.

*Noes*—Messrs. Ashe, Baldwin, Gerry, Giles, Greenup, Hartley, Madison, Mercer, Page, Tredwell.—10.

## CHAPTER VIII.

Estimates called for, for the Year 1789—Bill making Appropriations for the Year  
—Bill making Appropriations for the Service of 1790-1791-1792—Resolutions  
as to Appropriations for the Year 1793.—Bill passed.

Call on se- ON the 17th of September, 1789, the House of Representa- H. Journal,  
p. 113.  
cretary of tives, on motion, adopted the following order:—  
treasury  
for esti-  
mates.

“Ordered—That the secretary of the treasury do report to this House, an estimate of the sums requisite to be appropriated during the present session of Congress towards defraying the expenses of the civil list, and of the department of war, to the end of the present year; and for satisfying such warrants as have been drawn by the late board of treasury, and which may not heretofore have been paid.”

Report re- ON the 21st, the speaker laid before the House a report and Id. p. 115.  
ferred. estimates made by the secretary, pursuant to the above order, which were referred to Messrs. Wadsworth, Smith, of Maryland, and Smith, of South Carolina. And, on the 21st, Mr. Wads- Id. p. 116.  
[H. B. 32.] worth, from this committee, presented a bill making appropri-  
ations for the service of the present year, which was then read the first and second time, and committed to a committee of the whole house. The bill was considered in committee on the 23d, Id. p. 119.  
and was reported with an amendment, which was agreed to by the House, and the bill was then ordered to be engrossed. On the resumption of the bill on the following day, it was recom-  
mitted to a committee of the whole house, and was again considered, and reported with an amendment, which was agreed to, on the Id. p. 120.  
25th, when the bill was read the third time and passed. In the Id. p. 122,  
123.  
Bill passed by House. Senate, the bill received the first and second reading on the 25th and 26th, and was committed to Messrs. Read, Butler, King, Ellsworth, and Morris. On the 28th, Mr. Read reported amend- S. Journal,  
p. 88, 89.  
92.  
ments, which were then agreed to, and the bill was read the H. Journal,  
p. 127.  
Passed by third time, and passed as amended. The House of Representa-  
Senate. tives immediately considered, and concurred in the amendments of the Senate.

2d Session. The House of Representatives, on the 29th of January, 1790, 1790.  
ordered the appointment of a committee, consisting of Messrs. H. Journal,  
p. 150.

## CHAP. VIII.

## Appropriations.

1790.

1st Congress.  
2d Session.Committee  
to prepare  
appropria-  
tion bill.Report of  
secretary  
of treasury.

[H. B. 47]

Bill passed  
by House.Bill passed  
by Senate.

Livermore, Silvester, and Lee, "to prepare and bring in a bill, or bills, to appropriate such a sum or sums of money as may be necessary, for the payment of the civil list, with the incidental charges thereof for the present year."

On the 2d of March, the speaker laid before the House a report and estimate from the secretary of the treasury of extraordinaries for the services of the current year, which were referred to the above committee; and on the 8th, Mr. Livermore presented a bill making appropriations for the support of government, which was then read the first time, and which, on the following day, received the second reading, and was committed to a committee of the whole house. The bill was considered in committee on the 15th, when various amendments were reported, which were agreed to by the House, and the bill was ordered to the third reading, which it received on the next day.

In the Senate, the bill was read the first time, on the 16th, and, on the 18th, it received the second reading, and was committed to Messrs. Few, Johnston, Butler, Izard, and Langdon.

And, on the 22d, the bill was reported with amendments, after the adoption of which, it was read the third time, and passed. The House of Representatives, on the 23d, amended the amendments of the Senate, by introducing the following: "To Gifford Dally, door-keeper to the House of Representatives, 192 dollars," as an addition to the following clause, introduced by the Senate, "To James Mathers, door-keeper to the Senate, 96 dollars." The Senate, on the same day, resolved not to agree to the amendment of the House, but to insist on their own amendment. And, on the 24th, the House receded from their amendment.

H. Journal,  
p. 166.Id. p. 169.  
171.Id. p. 174,  
175.S. Journal,  
p. 120. 122.

Id. p. 123.

H. Journal,  
p. 179.  
S. Journal,  
p. 123.H. Journal,  
p. 181.

3d Session.

[H. B. 120.]

Bill passed.

The speaker laid before the House of Representatives, on the 6th of January, 1791, a statement from the secretary of the treasury, of the further appropriations of money necessary for the support of civil government, for the current year. On the 26th, Messrs. Lawrance, Clymer, and Boudinot, were appointed a committee, to prepare and bring in a bill, or bills, making appropriations for the service of the current year. Mr. Lawrance, on the 31st, presented a bill, making appropriations for the support of government during the year 1791, and for other purposes;" which was then read the first time, and, on the next day, received the second reading, and was ordered to be engrossed and read the third time. The bill was passed by the House on the 2d, and sent to the Senate for concurrence, where it was read the first and second time, on the 2d and 3d, and was

1791.

H. Journal,  
p. 350.

Id. p. 364.

Id. p. 367.

S. Journal,  
p. 238.

## CHAP. VIII.

## Appropriations—Bill for 1792.

1

1st Congress. committed to Messrs. Dalton, Carroll, and Bassett. Mr. Dalton  
3d Session. reported amendments on the 5th, which were disagreed to by S. J.  
 the Senate on the 7th, and the bill was ordered to the third P. 23  
 Bill passed. reading. On the following day, the bill was passed.

2d Congress. On the 7th of November, the speaker laid before the House H. J.  
1st Session. a report from the secretary of the treasury, of certain estimates P. 44  
 of sums necessary to be appropriated for certain objects therein  
 specified, including the service of the year 1792, which was re-  
 ferred to Messrs. Lawrance, Baldwin, and Ashe, with instruction  
 to prepare and report a bill. Mr. Lawrance, on the 22d, pre- id. p.  
 [H.B.149.] sented a bill, making appropriations for the support of govern-  
 ment for the year 1792, which was then read the first and se-  
 cond time, and committed to a committee of the whole house.  
 The bill was considered in committee of the whole on the 5th of id. p.  
 December, when several amendments were reported, and agreed  
 to by the House, after which the bill was recommitted to the  
 original committee: and, on the next day, Mr. Lawrance report- id. p.  
 [H.B.156.] ed from this committee an amendatory bill. This bill was read  
 the first and second time, on the 7th, and received the third id. p.  
 reading, and was passed, on the day following. The bill, as it S. J.  
 was sent to the Senate, is as follows:— P. 353.

Appropriation bill. “Section 1. *Be it enacted, by the Senate and House of Representatives of the United States of America, in Congress assembled—That,* for the service of the year one thousand seven hundred and ninety-two, and the support of the civil list of the United States, including the incidental and contingent expenses of the several departments and offices thereof, there shall be appropriated a sum of money, not exceeding three hundred and twenty-eight thousand six hundred and fifty-three dollars, and fifty-six cents; that is to say:—

“For the compensations granted by law to the President of the United States, the Vice-President, chief justice, associate judges, and attorney general, fifty-three thousand dollars.

“For the like compensations to the district judges, nineteen thousand eight hundred dollars.

“For the like compensations to the members of the Senate and House of Representatives, and the officers and attendants of the two houses, estimated on a session of six months’ continuance, and including the travelling expenses of the members, one hundred and twenty-nine thousand, seven hundred and thirty dollars.

2d Congress.  
1st Session.

Appropriation  
bill.

“For the like compensations to the secretary and officers of the several departments of the treasury of the United States, including clerks and attendants, and the salaries of the respective loan officers, sixty thousand three hundred dollars. S. Journal, P. 352.

“For the like compensations to the secretary and officers of the department of state, six thousand three hundred dollars.

“For the like compensations to the secretary and officers of the department of war, nine thousand six hundred dollars.

“For the like compensations to the members of the board of commissioners, for the settlement of the accounts between the United States and the individual states, including clerks and attendants, thirteen thousand one hundred dollars.

“For the like compensations to the governors, judges, and other officers of the western territory of the United States, including contingencies, eleven thousand dollars.

“For the payment of the annual grant to Baron Steuben, pursuant to an act of Congress, two thousand five hundred dollars.

“For the payment of sundry pensions granted by the late government, two thousand seven hundred and sixty-seven dollars and seventy-three cents.

“For defraying all other incidental and contingent expenses of the civil list establishment, including firewood, stationary, together with the printing work, and all other contingent expenses of the two houses of Congress, rent and office expenses of the three several departments; namely: treasury, state, war, and of the general board of commissioners, twenty thousand five hundred and fifty-five dollars and eighty-three cents.

*Sect. 2. And be it further enacted*—That, for discharging certain liquidated claims upon the United States, for making good deficiencies in former appropriations for the support of the civil list establishment, and for aiding the fund appropriated for the payment of certain officers of the courts, jurors, and witnesses, and for the establishment of ten cutters, there shall be appropriated a sum of money not exceeding one hundred and ninety-seven thousand one hundred and nineteen dollars and forty-nine cents; that is to say,

“For discharging a balance due on a liquidated claim of His Most Christian Majesty against the United States, for supplies during the late war, nine thousand and twenty dollars and sixty-eight cents.

“For payment of the principal and interest on a liquidated claim of Oliver Pollock, late commercial agent of the United States, at New Orleans, for supplies of clothing, arms, and mili-

d Congress.  
at Session.

Appropriation  
bill.

tary stores, during the late war, one hundred and eight thousand six hundred and five dollars and two cents.

“For making good deficiencies in the last appropriations for the compensations to sundry officers of the civil list establishment, five thousand four hundred and seventy-one dollars.

“For defraying sundry authorized expenses to the commissioners of loans in the several states, twenty-one thousand dollars.

“For defraying a balance of certain liquidated and contingent expenses in the treasury department, two thousand eight hundred dollars.

“For defraying the additional expense of the enumeration of the inhabitants of the United States, nineteen thousand seven hundred and seventy-two dollars, and seventy-nine cents.

“For making good a deficiency in former appropriations to discharge the expenses of clerks, jurors, and witnesses, in the courts of the United States, five thousand dollars.

“For the maintenance and repair of light-houses, beacons, piers, stakes, and buoys, sixteen thousand dollars.

“For the expense of keeping prisoners committed under the authority of the United States, four thousand dollars.

“For the expense of clerks and books in arranging the public securities, two thousand four hundred and fifty dollars.

“For the purchase of hydrometers for the use of the officers in the execution of the laws of the revenue, one thousand dollars. S. Journal  
p. 353.

“For the further expense of building and equipping ten cutters, two thousand dollars.

“*Sect. 3. And be it further enacted*—That, for the support of the military establishment of the United States, in the year one thousand seven hundred and ninety-two, the payment of the annual allowances to the invalid pensioners of the United States, for defraying all expenses incident to the Indian department, and for defraying the expenses incurred in the defensive protection of the frontiers against the Indians, during the years one thousand seven hundred and ninety, and one thousand seven hundred and ninety-one, by virtue of the authority vested in the President of the United States, by the acts relative to the military establishment, (passed the twenty-ninth of September, one thousand seven hundred and eighty-nine, and the thirtieth of April, one thousand seven hundred and ninety,) and for which no appropriations have been made, there shall be appropriated a sum of money not exceeding five hundred and thirty-two thousand four

2d Congress.  
1st Session.

Appropriation  
bill.

hundred and forty-nine dollars seventy-six cents, and two-thirds of a cent; that is to say:—

“For the pay of the troops, one hundred and two thousand six hundred and eighty-six dollars.

“For subsistence, one hundred and nineteen thousand six hundred and eighty-eight dollars and ninety-seven cents.

“For clothing, forty-eight thousand dollars.

“For forage, four thousand one hundred and fifty-two dollars.

“For the hospital department, six thousand dollars.

“For the quarter-master’s department, fifty thousand dollars.

“For the ordnance department, seven thousand two hundred and four dollars and sixty-four cents.

“For the contingent expenses of the war department, including maps, hire of expresses, allowances to officers for extra expenses, printing, loss of stores of all kinds, advertising and apprehending deserters, twenty thousand dollars.

“For the discharge of certain sums due for pay and subsistence of sundry officers of the late army, and for pay of the late Maryland line, for which no appropriations have been made, ten thousand four hundred and ninety dollars and thirty-six cents.

“For the payment of the annual allowances to invalid pensioners, eighty-seven thousand four hundred and sixty-three dollars, sixty cents, and two-thirds of a cent.

“For defraying all expenses incident to the Indian department, authorized by law, thirty-nine thousand four hundred and twenty-four dollars and seventy-one cents.

“For defraying the expenses incurred in the defensive protection of the frontiers, as before recited, thirty-seven thousand three hundred and thirty-nine dollars and forty-eight cents.

“*Sect. 4. And be it further enacted*—That the several appropriations hereinbefore made, shall be paid and discharged out of the funds following; namely: First, out of the sum of six hundred thousand dollars, which, by the act, entitled ‘An act making provision for the debt of the United States,’ is reserved yearly for the support of the government of the United States, and their common defence; and, secondly, out of such surplus as shall have accrued to the end of the present year, upon the revenues heretofore established, over and above the sums necessary for the payment of interest on the public debt, during the same year, and for satisfying other prior appropriations.”

In the Senate, this bill received the first reading on the 8th of December, and, on the next day, was read the second time, and

S. Journal,  
p.354,355.



MAP. VIII.

Appropriations—Estimates for 1793.

1791.

1st Congress.  
1st Session.

Appropriation  
bill.

Bill passed.

Amend-  
ments by  
enate.

referred to Messrs. Monroe, Sherman, Burr, Gunn, and Read. Mr. Monroe, on the 13th, reported amendments which were agreed to, and the bill was ordered to the third reading. The bill was further considered on the 14th, 15th, and 16th, and further amended; and, on the 19th, it was read the third time and passed, with the following amendments:—

S. Journal,  
p. 356, 357.

“Sect. 1, line 6. Expunge ‘eight,’ and insert ‘nine.’  
“Same section, line 39. After ‘twenty,’ insert ‘one.’  
“At the end of the section, insert,  
“And be it further enacted—That the compensation to the door-keepers of the two houses, for services which have been heretofore rendered, or may be rendered in the recess of Congress, for the year one thousand seven hundred and ninety-two, and certified by the President of the Senate, or speaker of the House of Representatives, in manner required by law, for like services during sessions, shall be discharged out of the money hereinbefore appropriated for the contingent expenses of the two houses of Congress.”  
“Sect. 2, line 14. After ‘cents,’ insert ‘provided that the said moneys be not paid to the said Oliver Pollock, without the consent of the agents of the court of Spain.’”

House con-  
cur.

These amendments being sent to the House, were concurred in by that branch on the following day.

H. Journal,  
p. 478.

2d Session.  
Estimates  
for 1793.

The customary report of the secretary of the treasury, with estimates of the appropriations required for the service of the year 1793, was laid before the House of Representatives on the 14th of November, 1792; and, on the 22d, was committed to a committee of the whole house. The estimates were the subject of consideration in committee of the whole on the 29th and 30th of November, and on the 3d, 12th, and 13th of December, when the following resolutions were reported, and agreed to by the House:—

1792.

H. Journal,  
p. 620, 625.

Id. p. 630,  
631.

Id. p. 636,  
638.

Resolu-  
tions of  
house.

“Resolved—That, for defraying the expenditure of the civil list of the United States, for the year one thousand seven hundred and ninety-three, together with the incidental and contingent expenses of the several departments and offices thereof, there be appropriated the several sums of money following; to wit:—

|  |   |   |   |   |          |
|--|---|---|---|---|----------|
| “For compensation to the President of the United States, | - | - | - | - | \$25,000 |
| “That of the Vice-President,                             | - | - | - | - | 5,000    |
| “Compensation to the chief justice,                      | - | - | - | - | 4,000    |

## CHAP. VIII.

## Appropriations—Estimates for 1793.

1792.

2d Congress.  
2d Session.Resolu-  
tions of  
House.

“Compensation to five associate judges, at \$3,500 *per annum*, each, - - - - - 17,500

“Ditto of the judges of the following districts;  
namely:

|                             |                             |
|-----------------------------|-----------------------------|
| “Maine, - - - \$1,000       | Pennsylvania, - - - 1,600   |
| “New Hampshire, - - - 1,000 | Delaware, - - - 800         |
| “Vermont, - - - 800         | Maryland, - - - 1,500       |
| “Massachusetts, - - - 1,200 | Virginia, - - - 1,800       |
| “Rhode Island - - - 800     | Kentucky, - - - 1,000       |
| “Connecticut, - - - 1,000   | North Carolina, - - - 1,500 |
| “New York, - - - 1,500      | South Carolina, - - - 1,800 |
| “New Jersey, - - - 1,000    | Georgia, - - - 1,500        |

“Attorney General, 1,900.

“*Members of the Senate and House of Representatives, and their Officers.*

“To the speaker of the House of Representatives, for his compensation to the 3d March, 1793, 119 days, at twelve dollars per day, - - - - - \$1,428

“Also, for compensation to the speaker of the 3d Congress, for the residuary time, so as to estimate for 6 months’ attendance in one year, at 12 dollars per day, 762

2,190

“To 98 members, to 3d March, 1793, 119 days, at 6 dollars per day, - - - 69,972

“For compensation to 134 members of the 3d Congress, for the residuary time, so as to estimate for 6 months’ attendance in one year, at 6 dollars, per day, each, 42,744

112,716

“Travelling expenses to and from the seat of government, - - - - - \$20,000

“To the secretary of the Senate, one year’s salary, - - - - - 1,500

“Additional allowance estimated for six months, at two dollars per day, 365

1,865

“Principal clerk to the secretary of the Senate, for same time, at three dollars per day, - - - - - 547 50

“Engrossing clerk to do., estimated do., at two dollars do., - - - - - 365

“Chaplain to the Senate, estimated for same time, at five hundred dollars *per annum*, 250

H. Journal,  
p. 639.

## CHAP. VIII.

## Appropriations—Estimates for 1793.

1

|                             |  |       |   |   |     |         |
|-----------------------------|--|-------|---|---|-----|---------|
| 2d Congress.<br>2d Session. | "Door-keeper to the Senate, one year's salary,   | -     | - | - | 500 |         |
| Resolutions of House.       | "Assistant door-keeper to do. do.,   | -     | - | - | 450 |         |
|                             | "Clerk of the House of Representatives, for one year's salary,   | 1,500 |   |   |     |         |
|                             | "Additional allowance, estimated for 6 months, at two dollars per day,   | 365   |   |   |     |         |
|                             |  |       |   |   |     | 1,865   |
|                             | "Principal clerk in the office of the clerk of the House of Representatives, estimated for 6 months, at three dollars per day, | -     | - | - | 547 | 50      |
|                             | "Engrossing clerk, estimated for same time, at 2 dollars per day,  | -     | - | - | 365 |         |
|                             | "Chaplain to the House of Representatives, estimated for 6 months, at 500 dollars per annum,                                   | -     | - | - | 250 |         |
|                             | "Sergeant-at-arms for same time, at 4 dollars per day,   | -     | - | - | 750 |         |
|                             | "Door-keeper of the House of Representatives, estimated one year's salary,   | -     |   |   | 500 |         |
|                             | "Assistant door-keeper for do., one year's salary,   | -     | - | - | 451 |         |
|                             |  |       |   |   |     | 143,591 |

## TREASURY DEPARTMENT.

|  |       |       |       |       |
|--|-------|-------|-------|-------|
| "Secretary of the treasury,                        | -     | -     | 3,500 |       |
| "Two principal clerks, at 800 dollars each,        |       |       | 1,600 |       |
| "Six clerks, at 500 dollars each,                  | -     |       | 3,000 |       |
| "Messenger and office keeper,                      | -     |       | 250   |       |
|  |       |       |       | 8,350 |
| "Comptroller of the treasury,                      | -     | 2,400 |       |       |
| "Principal clerk,                                  | -     | 800   |       |       |
| "Twelve clerks, at 500 dollars each,               | 6,000 |       |       |       |
| "Messenger and office keeper,                      | -     | 250   |       |       |
|  |       |       |       | 9,450 |
| "Treasurer,  | -     | -     | 2,400 |       |
| "Principal clerk,                                  | -     | -     | 600   |       |
| "Two clerks, at 500 dollars each,                  | 1,000 |       |       |       |
| "Messenger and office keeper,                      | 100   |       |       |       |
|  |       |       |       | 4,100 |
| "Commissioner of the revenue,                      | -     | 1,900 |       |       |
| "Three clerks in the business of the revenue, &c., | -     | -     | 1,500 |       |
| "One do. in the business of the light-             |       |       |       |       |

## CHAP. VIII.

## Appropriations—Estimates for 1793.

1792.

2d Congress.  
2d Session.Resolu-  
tions of  
House.

|  |       |        |
|--|-------|--------|
| houses, beacons, buoys, public   |       |        |
| piers, and stakeage, -   | 500   |        |
| “ Messenger and office keeper,   | 200   | 4,100  |
| “ Auditor of the treasury, -   | 1,900 |        |
| “ Principal clerk, -   | 800   |        |
| “ Fifteen clerks, at 500 dollars each,   | 7,500 |        |
| “ Messenger and office keeper, -   | 250   | 10,450 |
| “ Register of the treasury, -  | 1,750 |        |
| “ Three clerks on the impost, tonnage,<br>and excise accounts, -   | 1,500 |        |
| “ Two clerks on the books and ac-<br>counts relative to the exports,   | 1,000 |        |
| “ Two clerks on the books of receipts<br>and expenditures of public mo-<br>neys, at 500 dollars, -   | 1,000 |        |
| “ One do. for recording ships’ regis-<br>ters and licenses, -  | 500   |        |
| “ Three do. for drawing out, check-<br>ing, issuing and taking receipts<br>for certificates of the domestic<br>and assumed debts, -  | 1,500 |        |
| “ Four do. on the books of the general<br>and particular loan offices, com-<br>prehending the interest accounts<br>and unclaimed dividends at the<br>several loan offices, - | 2,000 |        |
| “ Seven do. on the books and records<br>which relate to the public credi-<br>tors on the several descriptions of<br>stock and transfer, -                                    | 3,500 |        |
| “ Four do. on the books and records<br>of the registered debt, including<br>the payment of its interest,   | 2,000 |        |
| “ Two do. to complete the arrange-<br>ment of the public securities, in<br>books prepared for their recep-<br>tion in numerical order, -                                     | 1,000 |        |
| “ Two do. on the books of the late<br>government, -  | 1,000 |        |
| “ One transcribing do. -   | 500   |        |
| “ Two office-keepers incident to the<br>several offices of the register, at<br>175 dollars, -  | 350   | 17,600 |

H. Journal,  
p. 640.

2d Congress.  
2d Session.Resolu-  
tions of  
House.

“ Two clerks, appointed to count and examine the old and new emissions of continental money and indents, at 500 hundred dollars each, - - - - - 1,000  
 55,050

*“ Department of State.*

“ The secretary of state, - - - 3,500  
 “ One chief clerk, - - - 800  
 “ Three clerks, at 500 dollars each, 1,500  
 “ Clerk for foreign languages, - 250  
 “ Messenger and office keeper, - 250  
 6,300

*“ Department of War.*

“ Secretary of the department, - 3,000  
 “ Principal clerk, - - - 800  
 “ Six clerks, at 500 dollars each, - 3,000  
 “ Messenger and office keeper, - 250  
 7,050

“ Accountant to the war department, 1,200  
 “ Six clerks, (one on the principal books, two on the accounts of the late army, two on the accounts of the present army, and one on the principal books of the late pay-master general and commissioner of army accounts) at 500 dollars each, - - - 3,000  
 4,200  
 11,250

*“ Board of Commissioners for the Settlement of the Accounts between the United States and the individual States.*

“ Three commissioners, at 2,250 dollars each, - - - 3,375  
 “ One chief clerk, at 800 dollars, 400  
 “ Eleven do. at 500 dollars each, - 2,750  
 “ Messenger and office keeper, - 125  
 6,650

*“ Loan Officers.*

“ For New Hampshire, - - - 650  
 “ Massachusetts, - - - 1,500  
 “ Rhode Island, - - - 600  
 “ Connëcticut, - - - 1,000  
 “ New York, - - - 1,500  
 “ New Jersey, - - - 700

# HISTORY OF CONGRESS.

1791

CHAP. VIII.

Appropriations—Estimates for 1793.

1792.

|                               |                         |               |
|-------------------------------|-------------------------|---------------|
| 2d Congress.<br>2d Session.   | " Pennsylvania, - - -   | 1,500         |
|                               | " Delaware, - - -       | 600           |
| Resolu-<br>tions of<br>House. | " Maryland, - - -       | 1,000         |
|                               | " Virginia, - - -       | 1,500         |
|                               | " North Carolina, - - - | 1,000         |
|                               | " South Carolina, - - - | 1,000         |
|                               | " Georgia, - - -        | 700           |
|                               |                         | <u>13,250</u> |

## " Government of the Western Territory.

|   |               |
|---|---------------|
| " District north-west of the river Ohio, Go-<br>vernor, for his salary as such, and for<br>discharging the duties of superintendent<br>of Indian affairs, northern department,              | 2,000         |
| " The secretary of said district - -  | 750           |
| " For stationary, office rent, and printing<br>patents for land, &c. -  | 350           |
| " The three judges, at 800 dollars each -   | 2,400         |
| " District south-west of the river Ohio, go-<br>vernor, for his salary as such, and for<br>discharging the duties of superintend-<br>ent of Indian affairs, southern depart-<br>ment, - - - | 2,000         |
| " Secretary of said district, - - -   | 750           |
| " Stationary, office rent, &c. &c. -  | 350           |
| " Three judges, at 800 dollars, -   | 2,400         |
|   | <u>11,000</u> |

H. Journal,  
p. 641.

## " Pensions granted by the late Government :—

|  |  |       |
|--|--|-------|
| " Isaac Van Wert,  | } a pension of 200 dollars<br>per annum, pursuant to<br>an act of Congress, of<br>3d November, 1780, | 600   |
| " John Paulding,   |  |       |
| " David Williams,  |  |       |
| " Dominique L'Eglise, per act of Congress<br>of 8th August, 1782, - -              | -  | 120   |
| " Joseph Traversie, per do. - -  | -  | 120   |
| " Youngest son of General Mercer, per act<br>8th April, 1782, - - -                | -  | 400   |
| " Youngest children of the late Major Ge-<br>neral Warren, per act 1st July, 1780, | -  | 450   |
| " James M'Kensie,  | } per act of 10th Septem-<br>ber, 1783, entitled to a<br>pension of 40 dollars<br>each, per annum,   | 120   |
| " Joseph Brussels,   |  |       |
| " John Jordan,   |  |       |
| " Elizabeth Bergen, per act of 21st August,<br>1781, - - -                         | -  | 53 33 |
| " Joseph De Beaulieu, per act of 5th Au-<br>gust, 1782, - - -                      | -  | 100   |

## CHAP. VIII.

## Appropriations—Estimates for 1793.

1792.

2d Congress.  
2d Session.Resolu-  
tions of  
House,

|  |                  |
|--|------------------|
| “Richard Gridley, per acts of 17th Novem-<br>ber, 1775, and 26th February, 1781, | 444 40           |
| “Lieutenant Colonel Tousard, per act 27th<br>October, 1788, - - -                | 360              |
|  | <hr/> \$2,767 73 |

*“ Grant to Baron Steuben.*

“His annual allowance by act of Congress, \$2,500

“FOR INCIDENTAL AND CONTINGENT  
EXPENSES RELATIVE TO THE CIVIL  
LIST ESTABLISHMENT.“Under this head are comprehended fire-  
wood, stationary, together with printing  
work, and all other contingent expenses  
of the two houses of Congress, rent, and  
office expenses of the three several de-  
partments; namely: treasury, state, and  
war, and of the general board of commis-  
sioners,“Secretary of the Senate, his esti-  
mate, - - - \$3,000“Clerk of the House of Representa-  
tives, his do. to 3d March, 1793, 4,152“Provisionary for the 3d Congress, 2,400  

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9,552

12,052

*“ Treasury Department.*

“Secretary of the treasury, per estimate, \$500

“Comptroller of the treasury, per do. 600

“Treasurer, per do. 450

“Commissioner of the revenue, per do. 300

“Auditor of the treasury, per do. 600

“Register of the treasury, (including books  
for public stocks,) per do. 2,000

“Rent of the treasury, - - - 650

“Do. of a house taken for a part of the office  
of the register, - - - 200“Do. of a house for the office of the com-  
missioner of the revenue, and for part  
of the office of the comptroller, and part  
of the office of the register, - - 266 66“Do. of a house for the office of the auditor,  
and a small store for public papers, - 373 33“Wood for the department, (treasurer’s ex-  
cepted,) candles, &c. - - 1,200  

---

7,139 99

## CHAP. VIII.

## Appropriations—Estimates for 1793.

1792.

2d Congress.  
2d Session.Resolu-  
tions of  
House.*“Department of State.*

“Including the expense attending the collection of the laws of the several states; for publishing the laws of the second session of the second Congress of the United States, and printing an edition of the same, to be distributed agreeably to law; for the collection of newspapers from the different states, and gazettes from abroad, - - - - - 1,851 67

*“Department of War.*H. Journal,  
p. 642.

“Secretary of war, per estimate, - - 600  
 “Accountant to the war department, - 300  
 900  
 “General board of commissioners, per estimate, 814  
 \$345,816 39

*“Resolved—That, for making good deficiencies for the support of the civil list establishment, for aiding the fund appropriated for the payment of certain officers of the courts, jurors, and witnesses, for the support of light-houses, and for the establishment of ten cutters, and for other purposes, there be appropriated the several sums of money following; to wit:—*

*‘For the Salaries of Certain Officers, by an Act making Alterations in the Treasury and War Departments.*

“Salary of the commissioner of the revenue, from the 8th May, 1792, to 31st December following, at 1900 dollars *per ann.* \$1,238 93  
 “Salary of three clerks in the business of the revenue, same time, at 500 dollars *per annum*, each, - - - 978 09  
 “Do. one do. in the business of the light-houses, beacons, buoys, public piers, and stakeage, at 500 dollars *per annum*, for same time, - - - 326 03  
 “Do. messenger, at 200 dollars *per annum*, for do., - - - 130 41  
 “Contingent expenses for procuring desks, and other furniture, stationary, &c., 200  
 “Salary of the accountant to the war department, from 8th May to 31st December following, at 1200 dollars *per annum*, 782 46  
 “Do. of his clerk, from 23d July to do., at 500 dollars, - - - 220 10  
 “Contingent expenses for his office, - 163 33



3d Congress.  
3d Session.

Resolu-  
tions of  
House.

|   |      |            |            |   |                 |
|---|------|------------|------------|---|-----------------|
| “Salary of each of the two principal clerks to the secretary of the treasury, at 800 dollars <i>per annum</i> , each, for the same period,                          | -    | -          | -          | - | 1,043 28        |
| “Do. of a clerk to the treasurer, from the 18th June to 31st December, 1792, at 500 dollars <i>per annum</i> ,  | -    | -          | -          | - | 269 86          |
| “For the increased salary of the comptroller of the treasury, from 8th May, 1792, to 31st December following, at 400 dollars <i>per annum</i> ,                     | -    | -          | -          | - | 260 82          |
| “For the increased salary of the auditor of the treasury, from the 8th May, 1792, to 31st December following, at 400 dollars <i>per annum</i> ,                     | -    | -          | -          | - | 260 82          |
| “Do. of the treasurer for same time, at 400 dollars,  | -    | -          | -          | - | 260 82          |
| “Do. of the register, for same time, at 500 dollars,  | -    | -          | -          | - | 326 03          |
| “Do. of the attorney general, for same time, at 400 dollars   | -    | -          | -          | - | 260 82          |
| “Do. of the chief clerk in the department of war, same time, at 200 dollars,  | -    | -          | -          | - | 130 41          |
|   |      |            |            |   | <u>6,852 21</u> |
| “To make good Deficiencies for the Support of the Civil List; namely:—  |      |            |            |   |                 |
| “To the clerk of the House of Representatives, for amount of his estimate,  | 3302 |            |            |   |                 |
| “And for the pay of Bernard Webb, his principal clerk, from 1st July, to the 1st October, 1792; 92 days, at 3 dollars per day,                                      | -    | 276        |            |   |                 |
|   |      | <u>276</u> |            |   | 3578            |
| “For so much short, estimated for the contingent expenses of the office of the secretary of state,  | -    | -          | -          | - | 93 34           |
| “Do. for contingent expenses of the treasury department, the payments thereof, to the 30th Sept. 1792, having exceeded the said appropriations by the sum of \$1500 |      |            |            |   |                 |
| “Estimated amount of expenses to 31st December, 1792,   | -    | -          | 900        |   |                 |
|   |      |            | <u>900</u> |   | 2,400           |
| “For so much short appropriated for the office of the register of the treasury, the estimate for 1792 having been for only  |      |            |            |   |                 |

## CHAP. VIII.

## Appropriations—Estimates for 1793.

1792.

3d Congress.  
3d Session.Resolu-  
tions of  
House.

|  |     |       |    |
|--|-----|-------|----|
| one office keeper, whereas, from the in-<br>creased number of offices, and their be-<br>ing kept in separate houses, two office<br>keepers were required, and have been<br>employed, at 175 dolls. each,       \$350                                 |     |       |    |
| “Deduct appropriation for one,       -       250   |     |       |    |
|  | 100 |       |    |
|  |     | 3,171 | 34 |
| “For the salaries of the door-keepers and assistant door-<br>keepers to the Senate and House of Representatives,<br>under the act for their compensation, passed the 12th<br>April, 1792:—   |     |       |    |
| “For the salary of the door-keeper of the Senate, from<br>the 9th May, 1792, to the 31st December following,<br>at 500 dollars <i>per annum</i> ,       -       -       \$324 65   |     |       |    |
| “For do., same time, for door-keeper of the<br>House of Representatives, at 500 dolls.<br><i>per annum</i> ,       -       -       -       324 65  |     |       |    |
| “For do. to the assistant door-keeper to the<br>Senate, for the same time, at 450 <i>per an-<br/>num</i> ,       -       -       -       292 19  |     |       |    |
| “For do. to the assistant door-keeper to the<br>House of Representatives, for same time,<br>at 450 dolls. <i>per annum</i> ,       -       -       292 19  |     |       |    |
|  |     | 1,233 | 68 |
| “Commissioners of loans in the several states, for the<br>salaries of their clerks and for stationary, under the<br>act passed the 8th May, 1792:—   |     |       |    |
| “By their accounts, rendered to the 31st December,<br>1791, an additional appropriation is requisite,<br>of       -       -       -       -       \$1,650  |     |       |    |
| “From their accounts already rendered for<br>the present year, the following sums are<br>estimated for each office to 31st Decem-<br>ber, 1792, the aggregate whereof is cal-<br>culated sufficient to cover all demands<br>to that period, namely:— |     |       |    |
| “Wm. Gardner, New Hampshire,       -       650   |     |       |    |
| “Nathaniel Appleton, Massachusetts,       -       4,781 52   |     |       |    |
| “Jabez Bowen, Rhode Island,       -       1,073 24   |     |       |    |
| “Wm. Imlay, Connecticut,       -       1,984   |     |       |    |
| “John Cochran, New York,       -       7,577 68  |     |       |    |
| “James Ewing, New Jersey,       -       500  |     |       |    |
| “Thomas Smith, Pennsylvania,       -       2,209 34  |     |       |    |
| “James Tilton, Delaware,       -       200   |     |       |    |
| “Thomas Harwood, Maryland,       -       1,013 70  |     |       |    |

## CHAP. VIII.

## Appropriations—Estimates for 1793.

1

|                               |   |          |             |
|-------------------------------|---|----------|-------------|
| 2d Congress.<br>2d Session.   | "John Hopkins, Virginia, . . . -  | 3,714 56 |             |
|                               | "Wm. Skinner, North Carolina, -   | 844 44   |             |
| Resolu-<br>tions of<br>House. | "John Neufville, South Carolina, -  | 1,500    |             |
|                               | "Richard Wylley, Georgia, -   | 364 80   |             |
|                               | "To extend their allowance for said ex-<br>penses, to 1st of March, 1793, in con-<br>formity with said act, -   | 4,666 67 |             |
|                               |   |          | 32,729 95   |
|                               | "Clerks of courts, jurors, witnesses, &c., the fund<br>arising from fines, forfeitures, and penalties, having<br>last year proved insufficient for the discharge of the<br>accounts of clerks of courts, &c., to which they<br>were appointed; a sum for the present year is esti-<br>mated, in order to provide against a similar contin-<br>gency, of - |          | 12,000      |
|                               | "For the maintenance and support of light-houses, bea-<br>cons, buoys, public piers, and stakeage of channels,<br>bars, and shoals; and for occasional improvements<br>in the construction of the lanterns, and of the lamps<br>and materials used therein, -   |          | 20,000      |
|                               | "For the establishment of ten cutters, deficiency in the<br>appropriation heretofore made for building and<br>equipping ten cutters, -  |          | 3,000       |
|                               | "For the purchase of hydrometers for the use of the of-<br>ficers of the customs and inspectors of the revenue,<br>for the year 1793, -   | \$1,500  |             |
|                               | "And to make good so much short, esti-<br>mated for 1792, -   | 610 10   |             |
|                               |   |          | 2,110 10    |
|                               | "For the expenses towards the safe keeping and prose-<br>cution of persons committed for offences against the<br>United States, -   |          | 4,000       |
|                               | "For the payment of Robert Fenner, late agent for the<br>North Carolina line, his commission of one <i>per cent.</i><br>on \$16,905 38, paid to the officers of the said line,<br>for their pay and subsistence, for the years 1782 and<br>1783, -  |          | 169 05      |
|                               | "For the discharge of such demands against the United<br>States, not otherwise provided for, as shall have been<br>ascertained and admitted, in due course of settle-<br>ment at the treasury, and which are of a nature,<br>according to the usage thereof, to require payment<br>in specie, -   |          | 5,000       |
|                               |   |          | \$90,266 33 |

H. J.  
p. 64

"Resolved—That, for defraying the expenses of the war de-

II.

Appropriations—Estimates for 1792.

1792.

partment, for the year one thousand seven hundred and ninety-three, there be appropriated the following sums; namely:—

“FOR THE PAY OF THE LEGION OF THE UNITED STATES.

“*General Staff.*

|   | PER MONTH. | PER YEAR. |
|---|------------|-----------|
| “1 major general, - - - at \$166  |            | \$1,992   |
| “4 brigadier generals, - - - 104  |            | 4,992     |
| “1 major commandant of artillery, - 55  |            | 660       |
| “1 major of dragoons, - - - 55  |            | 660       |
| “1 quarter-master general, - - - 100  |            | 1,200     |
| “1 pay-master, at head quarters, - 60   |            | 720       |
| “1 adjutant general, to do the duty as in-<br>specter, - - - 75                               |            | 900       |
| “1 chaplain, - - - 50   |            | 600       |
| “1 surgeon of the staff, - - - 70   |            | 840       |
| “1 deputy quarter-master, - - - 50  |            | 600       |
| “2 aides-de-camp to the major general, in ad-<br>dition to their pay in the line, - 24        |            | 576       |
| “4 do. one for each of the brigadiers, in ad-<br>dition to their pay in the line, - 24        |            | 1,152     |
| “4 brigade majors, to act as deputy inspect-<br>ors, in addition to their pay in the line, 24 |            | 1,152     |
| “6 surgeons' mates for the hospitals for the<br>western and southern frontiers, - 30          |            | 2,160     |
| “1 principal artificer, - - - 40  |            | 480       |
| “1 second artificer, - - - 26   |            | 312       |

“*The first Sub-Legion.*

“FIELD.

|                       |       |
|-----------------------|-------|
| “3 majors, - - - - 50 | 1,800 |
|-----------------------|-------|

“STAFF.

|                                      |             |
|--------------------------------------|-------------|
| “1 sub-legionary pay-master, - 10    | \$120       |
| “1 sub-legionary quarter-master, - 8 | 96          |
| “3 battalion quarter-masters, - 8    | 288         |
| “3 adjutants, - - - 10               | 360         |
| “1 sub-legionary surgeon, - - 45     | 540         |
| “3 battalion surgeons' mates, - 30   | 1,080       |
| “3 sergeant majors, - - - 7          | 252         |
| “3 quarter-master sergeants, - 7     | 252         |
|                                      | <hr/> 2,988 |

“*One Company of Artillery.*

|                          |     |
|--------------------------|-----|
| “1 captain, - - - - 40   | 480 |
| “2 lieutenants, - - - 26 | 624 |
| “4 sergeants, - - - 6    | 288 |
| “4 corporals, - - - 5    | 240 |
| “10 artificers, - - - 8  | 960 |

## CHAP. VIII.

## Appropriations—Estimates for 1793.

17

| 2d Congress.<br>2d Session.   |  |   |       | PER NO.  | PER YEAR. |          |
|-------------------------------|--|---|-------|----------|-----------|----------|
| Resolu-<br>tions of<br>House. | " 40 privates,   | - | -     | 3        | \$1,440   |          |
|                               | " 2 musicians,   | - | -     | 4        | 96        |          |
|                               |  |   |       |          |           | 4,128    |
|                               | <i>" One Troop of Horse.</i>                               |   |       |          |           |          |
|                               | " 1 captain,   | - | -     | 40       | 480       |          |
|                               | " 1 lieutenant,  | - | -     | 26       | 312       |          |
|                               | " 1 cornet,  | - | -     | 20       | 240       |          |
|                               | " 6 sergeants,   | - | -     | 6        | 432       |          |
|                               | " 6 corporals,   | - | -     | 5        | 360       |          |
|                               | " 1 farrier,   | - | -     | 8        | 96        |          |
|                               | " 1 saddler,   | - | -     | 8        | 96        |          |
|                               | " 1 trumpeter,   | - | -     | 4        | 48        |          |
|                               | " 65 dragoons,   | - | -     | 3        | 2,340     |          |
|                               |  |   |       |          |           | 4,404    |
|                               | <i>" Eight Companies of Infantry.</i>                      |   |       |          |           |          |
|                               | " 8 captains,  | - | -     | 40       | 3,840     |          |
|                               | " 8 lieutenants,   | - | -     | 26       | 2,496     |          |
|                               | " 8 ensigns,   | - | -     | 20       | 1,920     |          |
|                               | " 48 sergeants,  | - | -     | 6        | 3,456     |          |
|                               | " 48 corporals,  | - | -     | 5        | 2,880     |          |
|                               | " 1 senior musician,                                       | - | -     | 6        | 72        |          |
|                               | " 15 musicians,  | - | -     | 4        | 720       |          |
|                               | " 648 privates,  | - | -     | 3        | 23,328    |          |
|                               |  |   |       |          |           | 38,712   |
|                               | <i>" Four Companies of Riflemen.</i>                       |   |       |          |           |          |
|                               | " 4 captains,  | - | -     | 40       | 1,920     |          |
|                               | " 4 lieutenants,   | - | -     | 26       | 1,248     |          |
|                               | " 4 ensigns,   | - | -     | 20       | 960       |          |
|                               | " 24 sergeants,  | - | -     | 6        | 1,728     |          |
|                               | " 24 corporals,  | - | -     | 5        | 1,440     |          |
|                               | " 4 buglers,   | - | -     | 4        | 192       |          |
|                               | " 328 privates,  | - | -     | 3        | 11,808    |          |
|                               |  |   |       |          |           | 19,296   |
|                               |  |   |       |          |           | \$71,328 |
|                               | <i>" Amount of Pay of the Legion of the United States.</i> |   |       |          |           |          |
|                               | " General staff,   | - | -     | -        | \$18,996  |          |
|                               | " The first sub-legion,                                    | - | -     | -        | 71,328    |          |
|                               | " The second sub-legion, to the same amount,               | - | -     | -        | 71,328    |          |
|                               | " The third sub-legion, do. do.                            | - | -     | -        | 71,328    |          |
|                               | " The fourth sub-legion, do. do.                           | - | -     | -        | 71,328    |          |
|                               | "SUBSISTENCE.  |   |       |          |           |          |
|                               | " 1 major general,   | - | at 15 | per day, | 5,475     |          |
|                               | " 4 brigadier generals,                                    | - | 12    | do.      | 17,520    |          |

H. Jo  
p. 64

## CHAP. VIII.

## Appropriations—Estimates for 1793.

1792.

| 2d Congress.<br>2d Session.   |                                  |     | RATIONS. | RATIONS. |
|-------------------------------|----------------------------------|-----|----------|----------|
|                               | " 14 majors,                     | - - | 4 do.    | 20,440   |
|                               | " 1 adjutant,                    | - - | 6 do.    | 2,190    |
| Resolu-<br>tions of<br>House. | " 1 pay-master at head quarters, |     | 4 do.    | 1,460    |
|                               | " 1 quarter-master,              | -   | 6 do.    | 2,190    |
|                               | " 1 deputy quarter-master,       | -   | 3 do.    | 1,095    |
|                               | " 1 surgeon to the staff,        | -   | 6 do.    | 2,190    |
|                               | " 4 surgeons,                    | - - | 3 do.    | 4,380    |
|                               | " 12 surgeons' mates,            | -   | 2 do.    | 8,760    |
|                               | " 6 do. for garrisons,           | -   | 2 do.    | 4,380    |
|                               | " 1 principal artificer,         | -   | 3 do.    | 1,095    |
|                               | " 1 second artificer,            | -   | 2 do.    | 730      |
|                               | " 56 captains,                   | - - | 3 do.    | 61,320   |
|                               | " 60 lieutenants,                | - - | 2 do.    | 43,800   |
|                               | " 48 ensigns,                    | - - | 2 do.    | 35,040   |
|                               | " 4 cornets,                     | - - | 2 do.    | 2,920    |

214,985 rations,

" Or money in lieu thereof, at the option of the officers, at the contract price at the posts, respectively, where the rations shall become due.

" 240 non-commissioned and privates,  
artillery,  
" 320 do. do. cavalry,  
" 4,560 do. do. infantry,

" 5,120 men, at 1 ration per day, - 1,868,800

2,083,785 rations.

" 2,083,785 rations, at 15 cents per ration, - \$312,567 75

## "FORAGE.

|  |                                    |     | PER MONTH. |       |
|--|------------------------------------|-----|------------|-------|
|  | " 1 major general,                 | - - | at \$20    | \$240 |
|  | " 4 brigadier generals,            | - - | 16         | 768   |
|  | " 13 majors,                       | - - | 10         | 1,560 |
|  | " 1 pay-master at head quarters,   | -   | 10         | 120   |
|  | " 1 adjutant general,              | - - | 12         | 144   |
|  | " 1 quarter-master general,        | -   | 12         | 144   |
|  | " 1 deputy quarter-master general, | -   | 10         | 120   |
|  | " 6 aides-de-camp,                 | - - | 10         | 720   |
|  | " 4 brigade majors,                | - - | 6          | 288   |
|  | " 4 adjutants,                     | - - | 6          | 288   |
|  | " 1 surgeon to the staff,          | - - | 12         | 144   |
|  | " 4 surgeons,                      | - - | 10         | 480   |
|  | " 12 surgeons' mates,              | - - | 6          | 864   |
|  | " 6 do. for the garrisons,         | - - | 6          | 432   |

H. Journal,  
p. 646.

## CHAP. VIII.

## Appropriations—Estimates for 1793.

1793.

2d Congress.  
2d Session.

PER MONTH.

|                       |                             |   |     |         |
|-----------------------|-----------------------------|---|-----|---------|
| Resolutions of House. | " 4 pay-masters, - - -      | 6 | 288 |         |
|                       | " 12 quarter-masters, - - - | 6 | 864 |         |
|                       |                             |   |     | \$7,464 |

*" Cavalry unprovided for in the Year 1792.*

|                        |    |       |       |
|------------------------|----|-------|-------|
| " 1 major, - - -       | 10 | \$120 |       |
| " 4 captains, - - -    | 10 | 480   |       |
| " 4 lieutenants, - - - | 6  | 288   |       |
| " 4 cornets, - - -     | 6  | 288   |       |
|                        |    |       | 1,176 |

*" For the Year 1793.*

|                                      |    |        |          |
|--------------------------------------|----|--------|----------|
| " 1 major, - - -                     | 10 | 120    |          |
| " 4 captains, - - -                  | 10 | 480    |          |
| " 4 lieutenants, - - -               | 6  | 288    |          |
| " 4 cornets, - - -                   | 6  | 288    |          |
| " 320 non-commissioned and privates, | 6  | 25,040 |          |
|                                      |    |        | 26,216   |
|                                      |    |        | \$34,856 |

*" CLOTHING.*

|   |  |  |           |
|---|--|--|-----------|
| " 240 non-commissioned and privates, artillery, |  |  |           |
| " 320 do. do. cavalry,                          |  |  |           |
| " 4,560 do. do. infantry,                       |  |  |           |
|   |  |  |           |
| " 5,120   |  |  |           |
| " 480 contingencies.                            |  |  |           |
| " 5,600 suits, at 20 dollars per suit, - -      |  |  | \$112,000 |

*" Equipments for Cavalry.*

|  |  |         |
|--|--|---------|
| " Boots, horsemen's caps, and such articles as may be lost or worn, conjectural, - - - |  | \$5,000 |
|--|--|---------|

*" Horses for Cavalry.*

|  |  |         |
|--|--|---------|
| " To replace the horses which may die, or become unfit for service, conjectural, - - - |  | \$5,000 |
|--|--|---------|

*" BOUNTY.*

|  |  |         |
|--|--|---------|
| " To complete the number in lieu of discharged soldiers, those rendered unfit for duty, and deserters, conjectural, 500 soldiers, including premium, at \$10 each, |  | \$5,000 |
|--|--|---------|

*" Additional Bounty, for which no Provision was made, but allowed by the Act, passed March 5th, 1792.*

|   |  |       |
|---|--|-------|
| " 952 non-commissioned and privates in service, at two dollars, - - -   |  | 1,904 |
| " 4,168 do. to be raised, being estimated in former estimate, at eight dollars, including premium; the act of |  |       |

## CHAP. VIII.

## Appropriations—Estimates for 1793.

1792.

2d Congress.  
2d Session.Resolu-  
tions of  
House.

the fifth March, seventeen hundred and ninety-two,  
allowing ten dollars, is for the difference two dollars, 8,336  
\$15,240

*“ Defensive Protection of the Frontiers.*

“ Pay, &c. of the militia and scouts, estimated at -

*“ Hospital Department.*H. Journal,  
p. 647.

“ For medicines, instruments, furniture, and stores, for the  
hospital, for the garrisons and posts on the western and  
southern frontiers, also the pay and subsistence of a  
purveyor, assistants, and nurses, in the hospitals, con-  
jectural, - - - - -

*“ Quarter-Master’s Department.*

“ Pack horses and forage, tents, boats, &c.; also, the trans-  
portation of the recruits, ordnance, and military stores,  
and all the articles of the quarter-master’s department,  
the purchase of axes, camp-kettles, pack-saddles, iron,  
fuel, boards, nails, paint, company books, stationary,  
&c.; also, the pay and subsistence of artificers em-  
ployed in the said department, conjectural, -

*“ Indian Department.*

“ The expenses in this department amount, in the year se-  
venteen hundred and ninety-two, as per accounts ren-  
dered, to - - - - - \$44,207 98

“ Accounts allowed, which will be shortly stated,  
estimated at - - - - - 5,500

49,707 98

“ Provided for in the year 1792, - 25,000

\$24,707 98

“ The surplus has been paid from the general contingencies  
of the war department.

“ The expenses of the year seventeen hundred and ninety-  
three, may probably amount to - - - - - \$50,000

## “ORDNANCE DEPARTMENT.

*“ For the Salaries of the Store-keepers at the several Arsenals.*

“ Springfield, - - - Massachusetts, \$480

“ Fort Rensselaer, and its dependencies, New York, 172

“ West Point, - - - Ditto, 480

“ Philadelphia, - - - Pennsylvania, 500

“ Carlisle, - - - Ditto, 60

“ Fort Pitt, - - - Ditto, 360



| CHAP. VIII.                 | Appropriations—Estimates for 1793.  |                 |        |           | 1792 93. |
|-----------------------------|---|-----------------|--------|-----------|----------|
| 3d Congress.<br>3d Session. | "New London, - - -  | Virginia,       | 430    |           |          |
| Resolutions of<br>House.    | "Manchester, - - -  | Ditto,          | 50     |           |          |
|                             | "Charleston, - - -  | South Carolina, | 100    |           |          |
|                             | "One assistant at Springfield, - - -  |                 | 240    |           |          |
|                             | "Two ditto, at West Point, - - -  |                 | 480    |           |          |
|                             | "One clerk of military stores, Philadelphia, -  |                 | 480    |           |          |
|                             |   |                 |        | 3,832     |          |
|                             | "RENTS.   |                 |        |           |          |
|                             | "Philadelphia, - - -  | 666 66          |        |           |          |
|                             | "New London, - - -  | 350 00          |        |           |          |
|                             | "Manchester, - - -  | 66 66           |        | 1,083 32  |          |
|                             | "Labourers at the arsenals, - - -   | 400             |        |           |          |
|                             | "Coopers, armorers, and carpenters, employed occasionally, - - -  | 600             |        |           |          |
|                             | "Ten armorers, at ten dollars per month, 1,200  |                 |        |           |          |
|                             | "Two conductors of military stores at thirty dollars per month, - - -   | 720             |        | 2,920     |          |
|                             | "Five hundred rifles, purchased in seventeen hundred and ninety-two, and not included in former estimates,  |                 |        | 6,000     |          |
|                             | "Repairing of arms, equipments of cannon, cartridge boxes, swords, and every other article in this department, conjectural, - - -   |                 | 10,000 |           |          |
|                             |   |                 |        | 23,835 32 |          |
|                             | "INVALIDS.  |                 |        |           |          |
|                             | "For the annual allowance to the invalids of the United States, from the fifth day of March, one thousand seven hundred and ninety-three, to the fourth day of March, one thousand seven hundred and ninety-four. |                 |        |           |          |
|                             | "New Hampshire, - - -   | 3,810 68        |        |           |          |
|                             | "By the Circuit Court, - - -  | 409 12          |        | 4,219 80  |          |
|                             | "Massachusetts, - - -   | 11,941 75       |        |           |          |
|                             | "By the Circuit Court, - - -  | 1,336 45        |        | 13,278 20 |          |
|                             | "Rhode Island, - - -  | 2,899           |        |           |          |
|                             | "By the Circuit Court, - - -  | 196             |        | 3,095     |          |
|                             | "Connecticut, - - -   | 7,682 03        |        |           |          |
|                             | "By the Circuit Court, - - -  | 795 80          |        | 8,477 83  |          |

H. Journal,  
p. 648, 649.

| CHAP. VIII.                 |                                 | Appropriations—Estimates for 1793. |   |       |    | 1792.              |
|-----------------------------|---------------------------------|------------------------------------|---|-------|----|--------------------|
| 3d Congress.<br>2d Session. | " Vermont, - - - -              | -                                  | - | -     | -  |                    |
|                             | " By the Circuit Court, - - - - | -                                  | - | 510   | 64 |                    |
| Resolutions of House.       |                                 |                                    |   |       |    | 510 64             |
|                             | " New York, - - - -             | -                                  | - | -     | -  | 15,972 66          |
|                             | " New Jersey, - - - -           | -                                  | - | 4,094 | 26 |                    |
|                             | " By the Circuit Court, - - - - | -                                  | - | 76    | 00 |                    |
|                             |                                 |                                    |   |       |    | 4,170 26           |
|                             | " Pennsylvania, - - - -         | -                                  | - | -     | -  | 16,642 64          |
|                             | " Delaware, - - - -             | -                                  | - | -     | -  | 1,884 00           |
|                             | " Maryland, - - - -             | -                                  | - | -     | -  | 4,328 56           |
|                             | " Virginia, - - - -             | -                                  | - | -     | -  | 7,761 33           |
|                             | " North Carolina, - - - -       | -                                  | - | -     | -  | 886 00             |
|                             | " Georgia, - - - -              | -                                  | - | -     | -  | 1,018 40           |
|                             |                                 |                                    |   |       |    | <u>\$82,245 32</u> |

## "LEASE.

"Of the buildings occupied for the use of the war office, and the office of the accountant of the war department.

"The amount of the lease for the term of four years, as per indenture thereof with James Simmons, - - -

1,666 66

## "Contingencies of the War Department.

"For maps, hiring expressers, allowances to officers for extra expenses, printing, loss of stores of all kinds, advertising and apprehending deserters, &c., conjectural, - - -

50,000 00

"Resolved—That for making good the several and respective sums of money aforesaid, there be appropriated,

"1st. The sum of six hundred thousand dollars, reserved by the act making provision for the debt of the United States.

"2d. The surplus which may remain unappropriated for the use of the war department, in the year one thousand seven hundred and ninety-two.

"3d. So much of the existing revenues of the United States, as are unappropriated."

It was then ordered, that Messrs. Lawrance, Baldwin, Jere. Smith, Steele, and Giles, prepare a bill pursuant to these resolutions. And on the 21st of December, Mr. Lawrance, from this

Bill reported.  
[H. B. 206.]

committee, reported a bill making appropriations for the support of government, for the year one thousand seven hundred and

H. Journal,  
P. 651.

## CHAP. VIII.

## Appropriations.

1792.

2d Congress.  
2d Session.Amenda-  
tory bill.  
[H.B. 216.]Bill passed  
by House.

ninety-three, which was read the first and second time, and committed to a committee of the whole house. The bill was taken up for consideration in committee on the 31st, and the committee having risen without coming to any conclusion, it was ordered that they be discharged from the further consideration of the bill, and it was recommitted to the original committee. On the 7th of January, 1793, Mr. Lawrance reported an amendatory bill, which was then read the first and second time, committed to a committee of the whole, considered in committee, and reported without amendment. Having been amended on the following day, the bill was ordered to be engrossed and read the third time; and on the 9th, the blanks were filled up, and the bill was read the third time, and passed, and was then sent to the Senate for their concurrence.

H. Journal  
P. 658.

Id. p. 663.

Id. p. 665.

In the Senate, the bill received the first reading on the same day; and, on the 10th, it was read the second time, and referred to Messrs. Izard, Strong, and Taylor. Mr. Izard made a report from this committee on the 15th, and the bill was amended to conform to the report. The bill was taken up again for consideration on the 21st, 22d, and 23d, on the last named of which days, it was agreed to postpone its further consideration: it was afterwards considered and discussed on the 24th, and on the 8th, 9th, and 19th of February. These delays in the action of the Senate on this bill, were for the purpose of obtaining fiscal information from the secretary of the treasury, the character of which may be seen by reference to our 677th page. On the 19th it was agreed to amend the third section, so as to read as follows:—

S. Journal  
P. 470.

Id. p. 471.

Id. p. 473,  
474.Id. p. 482,  
483. 490.Bill amend-  
ed by Se-  
nate.

*"Sect. 3. And be it further enacted—*That the President of the United States be authorized to borrow, on account of the said states, any sum or sums, not exceeding, in the whole, eight hundred thousand dollars, at a rate of interest not exceeding five *per cent. per annum*, and reimbursable at the pleasure of the United States, to be applied for the purposes aforesaid, and to be repaid out of the said surplus of the duties on imposts and tonnage, to the end of the present year, 1793; and that it shall be lawful for the Bank of the United States to lend the said sum. And the President of the United States shall cause so much of the loan made of the Bank of the United States, pursuant to the 11th section of the act by which it is incorporated, to be paid off in sums not less than fifty thousand dollars, as, in his opinion, the state of the treasury may, from time to time, admit, out of any moneys which may be in the treasury, having due re-

41 Congress.  
41 Session.

gard to the exigencies of government, and the appropriations made, and to be made by law."

The question being taken on agreeing to the section, as amended, it was decided in the affirmative, by the following vote:—

*Yeas*—Messrs. Bassett, Bradley, Burr, Cabot, Dickinson, Ellsworth, Foster, Gunn, Johnston, Izard, King, Langdon, Morris, Read, Rutherford, Sherman, Stanton, Strong, Wingate.—19.

*Nays*—Messrs. Brown, Butler, Edwards, Few, Hawkins, Henry, Monroe, Robinson, Taylor.—9.

Bill passed  
by Senate.

The bill was then ordered to the third reading; and, on the 20th, it was read the third time, and passed.

The House of Representatives proceeded, on the 22d, to consider the amendments of the Senate, when it was resolved to concur in the first, second, third, and fourth amendments to the first section: and the fifth amendment to the same section was then taken up as follows:—

H. Journal,  
p. 714, 715.

"*Lines* 137, to 151. Strike out from the 'For,' to the word 'dollars,' inclusive, and insert:

"For defraying the expenses of the department of war, including the pay, subsistence, forage, and clothing, of the troops authorized by law, the equipments and horses for cavalry, the hospital and quarter-master's department, the defensive protection of the frontiers, and the payment of bounties, nine hundred and sixty-three thousand nine hundred and seventy-one dollars and seventy-five cents.

"For every contingent expense in the war department, including maps, hiring expresses, allowance to officers, for extra expenses, printing, loss of stores, advertising and apprehending deserters, thirty thousand dollars."

The question being taken on agreeing to this amendment, it was decided in the negative, by the following vote:—

*Ayes*—Messrs. Ames, Benson, Boudinot, S. Bourne, B. Bourne, Dayton, Gerry, Gilman, Goodhue, Gordon, Greenup, Gregg, Hillhouse, Huger, Lawrance, Learned, Leonard, Livermore, Milledge, Niles, Parker, Schoonmaker, Sedgwick, Jere. Smith, I. Smith, Wm. Smith, Thatcher, Wadsworth, Ward, Willis.—30.

*Noes*—Messrs. Ashe, Baldwin, Barnwell, Clarke, Findley, Fitzsimons, Giles, Griffin, Grove, Hartley, Hindman, Key, Kitchell, Lee, Macon, Madison, Mercer, Moore, Muhlenberg, Mur-

## CHAP. VIII.

## Appropriations.

1793.

2d Congress.  
2d Session.

ray, Orr, Page, Silvester, Steele, Sterrett, Sumpter, Tredwell, Tucker, Venable, White, Williamson.—31.

The amendment was, consequently, disagreed to. On the following day, the House proceeded to consider the amendment of the Senate to the third section, which has already been given; and, on the question to agree to the said amendment, being taken, it was decided in the affirmative, by the following vote:—

H. Journal  
p. 716, 717

*Ayes*—Messrs. Ames, Barnwell, Benson, Boudinot, S. Bourne, B. Bourne, Clarke, Gerry, Gilman, Goodhue, Gordon, Greenup, Hartley, Hillhouse, Hindman, Huger, Key, Kitchell, Lawrance, Learned, Leonard, Livermore, Niles, Sedgwick, Silvester, Jere. Smith, Wm. Smith, Steele, Sterrett, Sturges, Thatcher, Wadsworth, Ward, Williamson.—34.

*Noes*—Messrs. Ashe, Baldwin, Dayton, Findley, Fitzsimons, Giles, Gregg, Grove, Heister, Lee, Macon, Madison, Mercer, Moore, Murray, Orr, Page, Parker, I. Smith, Sumpter, Tredwell, Tucker, Venable, White, Willis.—25.

On the 25th, the Senate reconsidered their fifth amendment, which had been disagreed to by the House of Representatives,

S. Journal  
p. 493.

and determined to recede from the same. So the bill was passed.

Bill passed.

## CHAPTER IX.

Copy-rights—Petition of D. Ramsay—Bill to increase Penalties—Petition of John Churchman, concerning Magnetic Needle—Proceedings thereon—Useful Arts—Petitions of Read and Stevens, and Francis Bailey—Bill granting exclusive Privileges—Bill to amend—Petition of John Fitch—Naturalization—Equestrian Statue of Washington—Memorial of Ceraochi—Memorial of Quakers concerning Abolition of Slavery—Proceedings thereon—Death of Franklin—Copies of French Eulogium—Communication of the Death of the Dauphin of France—Letter from the King of France, announcing that he had accepted the Constitution—Reply of Congress—Proceedings on the Claim of John Brown Cutting.

COPY-  
RIGHTS.  
PETITION  
OF DAVID  
RAMSAY.

Soon after the assembling of the first Congress, the subject of copy-rights was brought before the House of Representatives. H. Journal, p. 14.

On the 15th of April, 1789, a petition was presented from David Ramsay, of South Carolina, setting forth that he had, at a great expense of time and money, published a book entitled "The History of the Revolution of South Carolina, from a British Province to an independent State;" that he had also prepared another book, under the title of the "History of the American Revolution;" and praying for the passage of a law for securing to him, his heirs, and assigns, for a certain term of years, the sole and exclusive right of vending and disposing of the said books within the United States.

Bill report-  
ed.

This petition was referred to Messrs. Tucker, White, and Huntington. On the 20th of April, Mr. Tucker reported the following opinion:— Id. p. 52.

"On the subject of the petition of Dr. David Ramsay, your committee report it as their opinion, that a law should pass, to secure to him the exclusive right of publishing and vending, for a term of years, the two works mentioned in the petition." Id. p. 18.

Messrs. Huntington, Cadwalader, and Contee, were then appointed a committee to bring in a bill "making a general provision for securing to authors and inventors the exclusive right of their respective writings and discoveries;" and, on the 23d of June, Mr. Huntington, from this committee, presented a bill to promote the progress of science and useful arts, by securing to authors and inventors the exclusive right to their respective writings and discoveries, which was then read the first time, and, on

## CHAP. IX.

## Miscellaneous—Copy-rights.

1789.

the next day, received the second reading, and was committed to a committee of the whole house. The consideration of the bill was postponed from day to day, until the 17th of August, when it was further postponed until the next session of Congress.

H. Journal,  
p. 80.

At the next session, on the 25th of January, 1790, Messrs. 1790.

Burke, Huntington, and Cadwalader, were again appointed a committee to prepare and bring in a bill for the above object. H. Journal, p. 146.

And, on the 28th, Mr. Burke, from this committee, presented a bill for securing the copy-right of books to authors and proprietors, which was then read the first time, and the House adopted the following order:—

H. B. 39.]

“*Ordered*—That it be an instruction to the committee appointed to prepare and bring in a bill, or bills, for securing to authors and inventors an exclusive right to their respective writings and discoveries, that they do insert a clause, or clauses, for giving effectual encouragement to the introduction of useful arts from foreign countries.”

A petition of Francis Bailey, of Philadelphia, printer, praying an exclusive privilege for an invention to prevent printed papers from being counterfeited, was presented on the 29th, and referred to this committee.

The copy-right bill was considered in committee of the whole on the 1st of February, and was reported with amendments, Id. p. 150.

which were agreed to, and the bill was then ordered to be engrossed for the third reading. And, on the 2d, the bill was recommitted to Messrs. Boudinot, Sherman, and Silvester. Mr. Boudinot, on the 25th, from this committee, reported an amend- Id. p. 163.

tory bill “for the encouragement of learning, by securing the copies of maps, charts, books, and other writings, to the authors and proprietors of such copies, during the times therein mentioned,” which was read the first time; and, on the next day, received the second reading, and was committed to a committee of the whole house. In committee of the whole the bill was considered on the 29th of April, when several amendments were reported, which were agreed to by the House, and the bill was then ordered to be engrossed for the third reading. On the following day, the bill was read the third time, and passed. Id. p. 164.

Bill passed by House,

In the Senate, this bill received the first reading on the same day, and, on the 4th of May, was read the second time, and committed to Messrs. Read, Paterson, and Johnson. Mr. Read, on the 12th, reported amendments, which were accepted by the S. Journal, p. 135, 137, 140.

## CHAP. IX.

## Miscellaneous—Copy-rights.

1790.

1st Congress.  
2d Session.Bill passed  
by Senate.

Senate on the 13th; and, on the following day, the bill was read the third time, and passed, as amended. The House of Representatives, on the 17th, concurred in these amendments.

H. Journal,  
p. 217.

3d Session.

At the third session, on the 28th of January, 1791, the House of Representatives passed an order, in the following terms:—

1791.

Bill to in-  
crease pe-  
nalties.

“*Ordered*—That a bill, or bills, be brought in, to increase the penalties provided by the act for the encouragement of learning, &c., so far as the said penalties apply to maps and charts, and to books of calculations; and that Mr. Huntington, Mr. Madison, and Mr. Heister, do prepare and bring in the same.”

H. Journal,  
p. 366.

On the 9th of February, Mr. Huntington, from this committee, presented a bill “for increasing the penalty contained in an act passed the second session of Congress, entitled ‘An act for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies, during the times therein mentioned,’ ” which was then read the first time; and, on the following day, was read the second time, and committed to a committee of the whole house. There appears to have been no further action on this bill.

Id. p. 373.

[H.B.123.]

Id. p. 374.

1st Congress.  
1st Session.

ANOTHER bill, on this subject, was reported to the House of Representatives in the first session of the second Congress; but as this bill was induced by the memorial of an individual, it will be necessary to advert to his previous applications to the House.

1789.

H. Journal,  
p. 14.Petitions  
of JOHN  
CHURCH-  
MAN.

As early as the 15th of April, 1789, was presented to the House the petition of John Churchman, setting forth that, by several years’ labour, close application, and at great expense, he had invented several different methods by which the principles of magnetic variations are so explained, that the latitude of a place being given, its longitude may be easily determined; and praying that a law might pass for vesting, in the petitioner, his heirs and assigns, an exclusive right of vending of spheres, hemispheres, maps, charts, and tables, on his principles of magnetism, throughout the United States; as also, that he might receive the patronage of Congress to enable him to perform a voyage to Baffin’s Bay, for the purpose of making magnetical experiments to ascertain the causes of the variation of the needle, and how near the longitude might be thereby ascertained.

This petition was referred to Messrs. Tucker, White, and



1st Congress.  
1st Session.

Huntington. On the 20th, Mr. Tucker made a report from this committee, which produced some debate, in which Mr. Madison, Mr. White, Mr. Burke, Mr. Page, Mr. Huntington, Mr. Sherman, and Mr. Tucker, took part. The question was then taken on the first clause, as follows:—

H. JOURNAL  
P. 18.  
LLOYD  
CON. J.  
VOL. I  
99—1

“That the committee have conferred with Mr. Churchman, and find that he has made many calculations which tend to establish his position, that there are two magnetic points which give direction to the needle: that, upon this doctrine, he has endeavoured to ascertain from a given latitude, and a given variation, what must be the longitude of the place; and having applied his principles to many instances in Cook’s voyages, has found the result to correspond with considerable accuracy with the real facts, as far as they could be determined by the reckoning of the ship. That the object to which Mr. Churchman’s labours are directed, is confessedly of very high importance, and his ideas on the subject appear to be ingenious. That, with a view of applying them to practice, he has contrived a map and a globe, whereby to show the angles which are made by the intersection of the real and the magnetic meridians in different parts of the earth: That he is also engaged in constructing tables for determining the longitude at sea upon magnetic principles: That the committee are of opinion that such efforts deserve encouragement, and that a law should pass to secure to Mr. Churchman, for a term of years, the exclusive pecuniary emolument to be derived from the publication of these several inventions.”

And the House determined to agree to this clause of the report. The second clause is as follows:—

“With respect to the voyage proposed by Mr. Churchman to Baffin’s Bay, the committee are cautious of recommending, in the present deranged state of our finances, a precipitate adoption of a measure which would be attended with considerable expense; but they are of opinion, that at a future day, if Mr. Churchman’s principles should be found to succeed in practice, it would be proper to give further encouragement to his ingenuity.”

Not acted  
on.

This clause being considered, it was determined that it should lie on the table. The remaining clause of the report refers to Dr. Ramsay’s petition.

3d Session.  
CHURCH-  
MAN’S  
second pe-  
tition.

On the 16th of December, 1790, being the third session, a petition was again presented to the House, from John Churchman, praying that the application he made at the first session of Con-

179  
H. JOURNAL  
P. 338

CHAP. IX.

Miscellaneous—Copy-rights—Churchman's Theory.

1790-91.

1st Congress.  
1st Session.

gress, for permission to undertake a voyage to Baffin's Bay, at the public expense, for the purpose of making magnetical experiments to ascertain the causes of the variation of the needle, and how near the longitude can be thereby ascertained, may now be determined. And on the 23d, this petition was referred to Messrs. Huntington, Madison, and Heister. Mr. Madison made a report from this committee on the 6th of January, which was taken up for consideration on the 28th, when a motion was made, in the following words:—

H. Journal,  
p. 341.Id. p. 350.  
366.

"That the petition of the said John Churchman be complied with, so far as to enable him to make a voyage to Baffin's Bay, for ascertaining his discoveries relating to the magnetic circles."

Rejected. The question being put on this motion, it was determined in the negative.

2d Congress.  
1st Session.CHURCH-  
MAN'S  
third peti-  
tion.

MR. CHURCHMAN again presented his petition to the House, at the first session of the second Congress, on the 30th of December, 1791; and on the 6th of January following, it was referred to Messrs. Page, Wadsworth, and Wayne. With the prayer for aid to undertake the voyage to Baffin's Bay, this petition connected another for an increase of the penalties imposed by the act, entitled "An act to promote the progress of useful arts." On the 1st of February, Mr. Page made a report from this committee, which, on the 29th, was taken up, and agreed to, as follows:—

1791-92.

H. Journal,  
p. 483. 489.Id. p. 500.  
524.

"That the said Churchman having pursued his inquiries into his theory of the variation of the magnetic needle, has found a number of observations, made in different parts of the world, which confirm his hypothesis; that, animated by this circumstance, and applauded for his ingenuity by several learned societies in Europe, which have looked up to him for the prosecution of his plan for establishing the truth of his theory, he has been emboldened to ask again the aid of the general government of the United States, to enable him to gratify the expectations of the philosophical world, and to put his theory to an immediate and the strictest scrutiny. The committee are free to declare it, as their opinion, that Mr. Churchman's ingenuity, displayed in proposing and supporting his theory, and his labours in prosecuting his examination thereof, entitle him to the applause of the enlightened world, and to the encouragement and support of his country. And it is the opinion of the committee that, as a more perfect knowledge of the laws of magnetism, and the variation of the magnetic needle, is greatly to be desired, as it

## CHAP. IX.

## Miscellaneous—Copy-rights—Churchman's Theory—Useful Arts.

17

2d Congress.  
1st Session.

would furnish a ready means of adjusting and preventing disputes respecting the boundaries of ancient surveys of land, and of correcting many inaccuracies in geographical charts, and in the journals of the courses and distances run by vessels at sea, every possible encouragement ought to be given to all persons who, by their theories, confirmed by observations, contribute towards the perfecting this desirable knowledge; and that, as the United States are peculiarly interested in whatever can adjust or prevent disputes between their citizens, and can improve geography and navigation, 'the Congress of the United States may, with great propriety, patronise such a person as Mr. Churchman, and grant him such aid as may be necessary to enable him to prosecute his laudable inquiries to good effect;' but the committee submit it to the wisdom of the House, to say whether, in the present circumstances of the United States, such grant shall now be made. As to that part of the memorial which states that, in the act for the encouragement of learning, by securing the copies of maps, charts, and books, to their authors and proprietors, the penalty annexed to the offences of copying such maps and charts was too small, and by no means adequate to the offence, and praying for an act to amend the same; the committee are of opinion that the prayer of the memorialist is reasonable, and that the copy-right of maps, charts, tables, and prints, ought to be secured to their respective authors, or their assigns, by greater penalties than those declared in the act aforesaid."

It was then ordered that Messrs. Page, Goodhue, and Gregg, prepare and bring in a bill, or bills, pursuant to this report. Mr. [H.B.170.] Page, accordingly, on the 7th of March, presented a bill "to H. Jou P. 530 amend the act entitled 'An act for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies, during the times therein [H.B.171.] mentioned.' Also, a bill to enable John Churchman to prosecute certain observations and discoveries relative to the northern magnetic point."

Both these bills were then read the first time, and, on the following day, were read the second time, and committed to a committee of the whole. But there was no subsequent action on either of these bills, during this Congress.

Not acted on.

1st Congress.  
2d Session.  
USEFUL  
ARTS.

In connexion with the preceding subjects, may be introduced the legislation concerning useful arts.

179

H. Jou  
p. 154.

On the 8th of February, 1790, a petition was presented to the

## CHAP. IX.

## Miscellaneous—Useful Arts.

1790.

1st Congress.  
2d Session.Petitions  
of NATHAN  
READ and  
JOHN  
STEVENS,  
jr., for ex-  
clusive pri-  
vileges.

House of Representatives, from Nathan Read of Salem, Massachusetts, praying the aid of Congress, and an exclusive privilege for constructing sundry machines and engines, which he has invented for improving the art of distillation, for facilitating the operation of mills and other water works, and for promoting the purposes of navigation and land carriage. At the same time, was presented the petition of John Stevens, jr., praying that an exclusive privilege may be granted him, for an improvement on the steam engine, which he had invented, by a new mode of generating steam. These petitions were referred to Messrs. Burke, Huntington, and Cadwalader. On the 16th, Mr. Burke, from

Id. p. 154.  
160.

[H. B. 41.] this committee presented a bill, "to promote the progress of useful arts," which was then read the first time; and, on the next day, received the second reading, and was committed to a committee of the whole. The bill received the consideration of the committee on the 4th and 5th of March, when several amendments were reported, and agreed to by the House; after which the bill was ordered to be engrossed for the third reading; and, on the 10th, the blanks having been supplied, the bill was read the third time and passed.

Id. p. 167,  
168.Passed by  
House.Id. p. 169.  
172.

In the Senate, this bill was read the first time on the 11th of March, and, on the 15th, the bill was again taken up, on the question of the second reading, and committed to Messrs. Carroll, Johnson, Few, Maclay, and Paterson. Mr. Carroll made a report on the 29th, in pursuance of which the bill was amended, and was passed on the next day with twelve amendments. On the 3d of April, the House of Representatives proceeded to consider these amendments, when the whole of them were concurred in, with the exception of the tenth amendment, which was disagreed to; and on the 5th, the Senate receded from their tenth amendment.

S. Journal,  
p. 119, 120.Amended  
and passed  
by Senate.Id. p. 124,  
125.H. Journal,  
p. 187, 188.S. Journal,  
p. 128.

These amendments appear to have embraced the case of Francis Bailey, of which the following is a summary statement.

Petition of  
FRANCIS  
BAILEY.

On the 29th of January, a petition was presented to the House from Francis Bailey of Philadelphia, printer, praying for an exclusive privilege, in the use of an invention which he had discovered, of forming types for printing devices to surround or make parts of printed papers for any purpose, which cannot be counterfeited. This petition, as stated in a preceding page, (708,) was referred to Messrs. Burke, Huntington, and Cadwalader. On the 3d of February, Mr. Burke reported as follows:—

H. Journal,  
p. 149.Id. p. 151,  
152.

"That Mr. Bailey hath communicated to the committee his  
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## CHAP. IX.

## Miscellaneous—Useful Arts.

1790-01.

1st Congress.  
2d Session.

invention or device to prevent the counterfeiting of public papers, which the committee are of opinion will be of great importance to the public, and therefore recommend that the said petition be referred to the secretary of the treasury to report thereon."

The report was agreed to, and the petition was referred to the secretary of the treasury from whom a report was received on the 23d, which was taken up for consideration on the 26th, when it was ordered that Messrs. Boudinot, Sedgwick, and White, prepare a bill for securing to the said Francis Bailey an exclusive privilege to the use of his invention. On the same day, Mr. Boudinot, from this committee, presented a bill "to vest in Francis Bailey, the exclusive privilege of making, using, and vending to others, punches for stamping the matrices of types, and impressing marks on plates, or any other substance, to prevent counterfeits, upon a principle by him invented, for a term of years," which was then read the first time, and, on the two next succeeding days, was read the second and third time, and passed.

H. Journal,  
p. 162, 164.

[H. B. 44.]

Id. p. 165.

In the Senate this bill was read the first and second time, on the 2d and 3d of March, and was committed to Messrs. Strong, Ellsworth, Hawkins, Few, and Henry. On the receipt, from the House of Representatives, of the bill to promote the progress of useful arts, this bill concerning Mr. Bailey, was referred to the committee to whom had been given the charge of the general bill; and when Mr. Carroll reported this last-mentioned bill, the object of Bailey's application was engrossed as an amendment on the bill to promote the progress of useful arts.

S. Journal,  
p. 117.

Id. p. 120.

Attached  
to bill to  
promote  
the pro-  
gress of  
useful arts.

Id. p. 124.

3d Session.

Bill to a-  
mend for-  
mer bill.

At the next session of Congress, on the 9th of December, 1790, the House of Representatives ordered, that Messrs. White, Se-

Id. p. 333.  
371.

ney, and Baldwin, be a committee to prepare and bring in a bill, or bills, to amend the act, entitled "An act to promote the progress of useful arts." On the 7th of February following, Mr.

[H.B.121.]

White, from this committee, presented a bill with the foregoing title, which was then read, and, on the next day, received the second reading, and was committed to a committee of the whole.

A petition and remonstrance of John Fitch was presented on the 10th, complaining of the injurious operation of this depending bill. The bill was not again taken up during the session.

Id. p. 374.

Bill not  
acted on.3d Congress.  
1st Session.

A COMMITTEE was again appointed by the House of Representatives, at the commencement of the second Congress, on the

Id. p. 444.

## CHAP. IX.

## Miscellaneous—Useful Arts.

1791-92.

2d Congress.  
1st Session.Bill to a-  
mend for-  
mer bill.

[H.B.166.]

Not acted  
on.

28th of October, 1791, consisting of Messrs. Williamson, Sedgwick, and Hillhouse, charged with the preparation of a bill to amend the act entitled "An act to promote the progress of useful arts." Mr. Williamson, on the first of March, 1792, presented, from this committee, a bill, to amend an act, entitled "An act to promote the progress of useful arts;" which was then read, and, on the 2d, was read the second time, and committed to a committee of the whole. This bill was not further acted on.

H. Journal,  
p. 525.

2d Session.

Bill to a-  
mend for-  
mer bill.

[H.B.204.]

At the commencement of the second session of this Congress, on the 7th of November, 1792, a petition was presented to the House of Representatives, from Joseph Barnes, attorney in fact for James Rumsey, praying a revision and amendment of the act, entitled "An act to promote the progress of useful arts;" which petition was, on the following day, referred to Messrs. Williamson, Sturges, and Lee. Mr. Williamson, on the 10th of December, presented, from this committee, a bill, "to amend an act, entitled 'An act to promote the progress of useful arts;'" which was then read the first and second time, and committed to a committee of the whole house. This bill was considered in committee of the whole, on the 29th, 30th, and 31st of January, 1793, when several amendments were reported. These amendments were agreed to, and the bill was ordered to be engrossed on the 1st of February, and, on the 4th, the blanks were filled up, and the bill was passed, with the title "An act to promote the progress of useful arts, and to repeal the act heretofore made for that purpose."

Id. p. 614,  
615.

Id. p. 636.

Id. p. 685  
—687.

1793.

H. Journal,  
p. 688, 689.

Bill passed.

This bill was read the first and second time in the Senate, on the 5th and 7th of February, when it was committed to Messrs. Few, Bradley, and Johnston. On the 14th, Mr. Few reported the bill with amendments, which were adopted, and the bill was amended accordingly, and ordered to the third reading. And, on the next day, the bill was passed, in its amended form, and returned to the House for concurrence.

S. Journal,  
p. 480, 481.Id. p. 486,  
487.

The House of Representatives, on the same day, concurred in the amendments.

H. Journal,  
p. 704.1st Congress.  
1st Session.Petition of  
JOHN  
FITCH.

On the 13th of May, 1789, a petition was presented to the House of Representatives from John Fitch, of the state of Pennsylvania, stating that he is the original discoverer of the principle of applying the power of steam to the purposes of navigation, and had obtained an exclusive right therein, for a term of

1789.

H. Journal,  
p. 34.

MAP. IX.

Miscellaneous—Naturalization.

1790.

1st Congress.  
1st Session.Petition of  
Fitch.

years, in the states of Virginia, Delaware, Pennsylvania, New Jersey, and New York, and praying that his rights might be secured to him by law, and in such manner, upon the true principles of priority of invention, as would preclude subsequent improvers upon his principle from participating therein, until the expiration of the term of his exclusive grants."

This petition was referred to Messrs. Huntington, Cadwalader, and Contee, for their examination and opinion; but no distinct report appears to have been made on it.

On the 22d of March, 1790, a petition of this same individual was presented to the Senate, praying that a clause, providing for the trial by jury, might be inserted in the bill before Congress, "to promote the progress of useful arts," which petition was referred to the committee having the bill in charge, and a report was made by the committee, in the form of an amendment to the bill.

S. Journal,  
P. 122.Id. p. 122,  
124.

Other petitions were presented by Mr. Fitch, at different times; but, as they were not made the subjects of legislative provisions, it is not deemed expedient to be more specific concerning them.

Id. p. 173.  
H. Journal,  
P. 254.

2d Session.

NATURALI-  
ZATION.

In his speech, at the opening of the second session of the first Congress, the President of the United States, thus adverted to the expediency of adopting some mode of naturalization:—

1790.

"Various considerations, also, render it expedient that the terms on which foreigners may be admitted to the rights of citizens, should be speedily ascertained by a uniform rule of naturalization."

H. Journal,  
P. 135.

The committee of the whole on the state of the Union, to whom the speech of the President was referred, having acquiesced, by their resolution, in the above suggestion, a committee was appointed, on the 15th of January, 1790, consisting of Messrs. Hartley, Tucker, and Moore, to prepare and bring in a bill or bills "for establishing a uniform rule of naturalization." Mr.

Id. p. 141.

L. B. 37.] Hartley, on the 25th, presented a bill "establishing a uniform rule of naturalization," which was then read, and, on the next day, received the second reading, and was committed to a committee of the whole house. The bill was considered in committee on the 3d and 4th of February, when the committee were discharged from the further consideration of the bill, and it was recommitted to Messrs. Livermore, Sedgwick, Sherman, Lawrence, Schureman, Hartley, Seney, Moore, Tucker, and Jackson. On the 16th, Mr. Livermore, from this committee, reported an amendatory bill "to establish a uniform rule of natu-

Id. p. 146.

Id. p. 152.

Amenda-  
ry bill.

Id. p. 159.

## CHAP. IX.

## Miscellaneous—Naturalization—Statue of Washington.

1790.

1st Congress.  
2d Session.

ralization, and to enable aliens to hold lands under certain restrictions," which was then read, and, on the next day, received the second reading and was committed to a committee of the whole house. The bill was taken up, considered and discussed in committee of the whole, during the 23d, 24th, and 26th of February, and, on the 3d of March, when several amendments were reported, which were agreed to by the House, and the bill was then ordered to be engrossed for the third reading, and on the

H. Journal,  
p. 162—  
164, 167.

Bill passed. succeeding day, the bill was read the third time and passed.

The bill received the first reading in the Senate on the same day, and the question of the second reading occupied the 8th and 9th, when the bill was referred to Messrs. Henry, King, Strong, Ellsworth, and Johnson. Mr. Henry made a report from this committee on the 12th, and the Senate had the report under consideration and discussion on the 15th, 16th, 17th, and 18th, when the bill was ordered to the third reading, and, on the 19th, the bill was passed with an amendment, which was sent to the House of Representatives for concurrence.

S. Journal,  
p. 117, 119.Id. p. 120.  
122.Bill passed  
by Senate.

And, on the 22d, the House concurred in the amendment.

H. Journal,  
p. 178.2d Congress.  
1st Session.

On the 6th of December, 1791, the following motion was submitted to, and adopted by, the House of Representatives:—

1791-92.

H. Journal,  
p. 468.Equestrian  
Statue of  
General  
Washington.

"Resolved—That Mr. Benson, Mr. Gerry, and Mr. Smith, of South Carolina, be appointed a committee, on the part of this House, jointly with such committee as shall be appointed on the part of the Senate, to consider and report to Congress the most eligible manner for carrying into effect the resolution of the United States, in Congress assembled, of the 7th of August, one thousand seven hundred and eighty-three, directing that an equestrian statue of General Washington should be erected."

This resolution was then sent to the Senate for concurrence, where, after being read, its consideration was postponed until the morrow; but the subject was not resumed.

S. Journal,  
p. 349.Memorial  
of Cerac-  
chi.

A memorial was presented to the House of Representatives, on the 31st of October, 1791, from Joseph Ceracchi, a Roman sculptor, proposing to execute a monument to perpetuate American liberty. This petition was, on the 11th of April, 1792, referred to Messrs. Gerry, Benson, Lee, Murray, and Tucker. Mr. Gerry, from this committee, made a report, on the 17th; and, on the 7th of May, Mr. Lee made the following report, which was agreed to by the House.

H. Journal,  
p. 444.Id. p. 574.  
579.

Id. p. 602.



2d Congress.  
1st Session.

“It appears to your committee, that M. Ceracchi is an artist of great reputation in Europe, a gentleman of respectable character, and has been actuated by the most honourable motives in offering to dedicate his genius and labours to the service of the United States.

“It appears, however, to your committee, that, at the present time, it might not be expedient to go into the expenses which the monument voted by Congress, on the 7th day of August, one thousand seven hundred and eighty-three, would require, especially with the additional ornaments proposed by the artist.”

1st Congress.  
2d Session.

ABOLITION  
OF SLAVE-  
RY.

THE question of the abolition of slavery was introduced at the second session of the first Congress. On the 12th of February, 1790, a memorial from the Pennsylvania Society for promoting the Abolition of Slavery, was presented to the House of Representatives, praying that Congress might take such measures in their wisdom, as the powers with which they are vested will authorize, for promoting the abolition of slavery, and discouraging every species of traffic in slaves. 17  
H. J. J. p. 151

Memorials  
of Quakers.

On the preceding day, memorials of the people called Quakers, at their annual meetings, held at Philadelphia and New York, in the year 1789, were presented to the House and read, praying the attention of Congress in adopting measures for the abolition of the slave trade; and, in particular, in restraining vessels from being entered and cleared out for the purposes of that trade. It was now moved that the memorial of the meeting at Philadelphia be referred to the consideration of a committee; and the question being taken, it was decided in the affirmative, by the following vote:—

*Ayes*—Messrs. Ames, Benson, Boudinot, Brown, Cadwalader, Clymer, Fitzsimons, Floyd, Foster, Gale, Gerry, Gilman, Goodhue, Griffin, Grout, Hartley, Hathorn, Heister, Huntington, Lawrance, Lee, Leonard, Livermore, Madison, jr., Moore, Muhlenberg, Page, Parker, Partridge, Van Rensselaer, Schureman, Scott, Sedgwick, Seney, Sherman, Sinnickson, Smith, of Maryland, Sturges, Thatcher, Trumbull, Wadsworth, White, Wynkoop.—43. H. J. J. p. 158

*Noes*—Messrs. Baldwin, Bland, Burke, Coles, Huger, Jackson, Mathews, Silvester, Smith, of South Carolina, Stone, Tucker.—11.

The memorial was then referred to Messrs. Foster, Hunting-

## CHAP. IX.

## Miscellaneous—Abolition of Slavery.

1790.

1st Congress.  
2d Session.Referred  
to special  
committee.

Reported.

Committed  
to commit-  
tee of the  
whole.

Amended.

ton, Gerry, Lawrance, Sinnickson, Hartley, and Parker. And it was further ordered, that the memorial of the annual meeting at New York, as well as that of the Pennsylvania Society for promoting the Abolition of Slavery, be referred to the same committee. Mr. Foster made a report from this committee on the 5th of March, which was, on the 8th, referred to a committee of the whole house. In committee of the whole, the report was considered and discussed during the 16th, 17th, 18th, 19th, and 22d, when several amendments were reported to the House. On the 23d, a motion was made to consider the amendments made in committee of the whole to the report of the committee, and decided in the affirmative: ayes, 26; noes, 25. The report was then taken up for consideration. It was then moved that both the report of the original committee, and the report of the committee of the whole, of amendments to the said report, be inserted in the Journal. And the question being taken on this motion, it was decided in the affirmative, by the following vote:—

*Ayes*—Messrs. Boudinot, Brown, Cadwalader, Contee, Floyd, Foster, Gerry, Gilman, Goodhue, Griffin, Hartley, Hathorn, Heister, Huntington, Lawrance, Lee, Leonard, Madison, jr., Muhlenberg, Parker, Partridge, Schureman, Scott, Sedgwick, Sherman, Silvester, Sinnickson, Vining, Wynkoop.—29.

*Noes*—Messrs. Ames, Baldwin, Benson, Bland, Burke, Carroll, Coles, Gale, Grout, Jackson, Livermore, Mathews, Moore, Page, Van Rensselaer, Smith, of Maryland, Smith, of South Carolina, Stone, Sturges, Sumpter, Thatcher, Trumbull, Tucker, White, Williamson.—25.

The reports are as follow:—

*“ Report of the Special Committee.*

Report of  
special  
committee.

“ The committee to whom were referred sundry memorials from the people called Quakers; and, also, a memorial from the Pennsylvania Society for promoting the Abolition of Slavery, submit the following report:—

“ That, from the nature of the matters contained in these memorials, they were induced to examine the powers vested in Congress, under the present Constitution, relating to the abolition of slavery, and are clearly of opinion,

“ *First.* That the general government is expressly restrained from prohibiting the importation of such persons ‘ as any of the states, now existing, shall think proper to admit, until the year one thousand eight hundred and eight.’

“ *Secondly.* That Congress, by a fair construction of the Con-

H. Journal,  
p.168.171.Id.p.176—  
179.

Id. p. 180.

1st Congress.  
2d Session.

Report of  
special  
committee.

stitution, are equally restrained from interfering in the emancipation of slaves, who already are, or who may, within the period mentioned, be imported into, or born within any of the said states.

*“Thirdly.* That Congress have no authority to interfere in the internal regulations of particular states, relative to the instruction of slaves in the principles of morality and religion; to their comfortable clothing, accommodations, and subsistence; to the regulation of their marriages, and the prevention of the violation of the rights thereof, or to the separation of children from their parents; to a comfortable provision in cases of sickness, age, or infirmity; or to the seizure, transportation, or sale of free negroes; but have the fullest confidence in the wisdom and humanity of the legislatures of the several states, that they will revise their laws from time to time, when necessary, and promote the objects mentioned in the memorials, and every other measure that may tend to the happiness of slaves.

*“Fourthly.* That, nevertheless, Congress have authority, if they shall think it necessary, to lay, at any time, a tax or duty, not exceeding ten dollars for each person, of any description, the importation of whom shall be, by any of the states, admitted as aforesaid.

*“Fifthly.* That Congress have authority to interdict, or (so far as it is or may be carried on by citizens of the United States, for supplying foreigners) to regulate the African trade, and to make provision for the humane treatment of slaves, in all cases, while on their passage to the United States, or to foreign ports, as far as it respects the citizens of the United States. H. Jc  
P. 18

*“Sixthly.* That Congress have also authority to prohibit foreigners from fitting out vessels, in any port of the United States, for transporting persons from Africa to any foreign port.

*“Seventhly.* That the memorialists be informed, that in all cases to which the authority of Congress extends, they will exercise it for the humane objects of the memorialists, so far as they can be promoted on the principles of justice, humanity, and good policy.”

*“Report of the Committee of the whole House.*

Report of  
the com-  
mittee of  
the whole  
House.

“The committee of the whole house, to whom was committed the report of the committee on the memorials of the people called Quakers, and of the Pennsylvania Society for promoting the Abolition of Slavery, report the following amendments:—

“Strike out the first clause, together with the recital thereto,

## CHAP. IX.

Miscellaneous—Abolition of Slavery—Benjamin Franklin.

1790.

1st Congress.  
2d Session.Report of  
the com-  
mittee of  
the whole  
house.

and, in lieu thereof, insert: 'That the migration or importation of such persons as any of the states, now existing, shall think proper to admit, cannot be prohibited by Congress, prior to the year one thousand eight hundred and eight.'

"Strike out the second and third clauses, and, in lieu thereof, insert: 'That Congress have no authority to interfere in the emancipation of slaves, or in the treatment of them within any of the states; it remaining with the several states alone to provide any regulations therein, which humanity and true policy may require.'

"Strike out the fourth and fifth clauses, and, in lieu thereof, insert: 'That Congress have authority to restrain the citizens of the United States from carrying on the African trade, for the purpose of supplying foreigners with slaves, and of providing, by proper regulations, for the humane treatment, during their passage, of slaves imported by the said citizens into the states admitting such importation.'

"Strike out the seventh clause."

It was then ordered that the report of the committee of the whole house do lie on the table. There was no subsequent legislation on the subject.

BENJAMIN  
FRANKLIN.

On the death of Benjamin Franklin, the House of Representatives evinced their sense of his worth, as appears by the Journal of the proceedings of the 22d of April, 1790, in which occurs the following paragraph:—

H. Journal,  
p. 198.Mourning  
in veneration  
of his  
memory.

"The House being informed of the decease of Benjamin Franklin, a citizen whose native genius was not more an ornament to human nature, than his various exertions of it have been precious to science, to freedom, and to his country, do resolve, as a mark of the veneration due to his memory, that the members wear the customary badge of mourning for one month."

2d Session.

Copies of  
eulogiums  
delivered  
in Paris.

At the next session, on the 10th of December, 1790, a letter was laid before the Senate, and by them transmitted to the House of Representatives, from Monsieur Beniere, President of the Commonalty of Paris, addressed to the President and members of Congress of the United States, with twenty-six copies of a civic eulogy on Benjamin Franklin, pronounced the 21st day of July, 1790, in the name of the Commonalty of Paris, by Monsieur L'Abbé Fauchet: and, on the 15th, the House of Representatives agreed to the following resolution:—

S. Journal,  
p. 230.H. Journal,  
p. 334, 337.

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1st Congress.  
3d Session.

"This House, being highly sensible of the polite attention of the Commons of Paris, in directing copies of a eulogium, lately pronounced before them, as a tribute to the illustrious memory of Benjamin Franklin, a citizen of the United States, to be transmitted to Congress:

Resolu-  
tion of  
House.

"*Resolved*—That the speaker do, accordingly, communicate the sense of the House thereon to the President of the Commons of Paris."

1st Congress.  
1st Session.

DEATH OF  
DAUPHIN  
OF FRANCE.

THE information of the death of the Dauphin of France was communicated to the two houses of Congress in the following message from the President of the United States, transmitted on the 29th of September, 1789:—

*"United States, September 29, 1789.*

*"Gentlemen of the House of Representatives, [Senate:—]*

Message  
from Presi-  
dent.

"His Most Christian Majesty, by a letter dated the 7th of June last, addressed to the President and members of the general Congress of the United States of North America, announces the much-lamented death of his son, the Dauphin. The generous conduct of the French monarch and nation towards this country, renders every event that may affect his or their prosperity interesting to us; and I shall take care to assure him of the sensibility with which the United States participate in the affliction which a loss, so much to be regretted, must have occasioned both to him and to them.

*"GEORGE WASHINGTON."*

This message was ordered to lie on the table, and Congress adjourned on the same day.

2d Congress.  
1st Session.

FRENCH  
CONSTITU-  
TION.

Message of  
President,  
enclosing  
letter of  
King of  
France, an-  
nouncing  
his accept-  
ance of the  
Constitu-  
tion.

ON the 5th of March, 1792, the following message was transmitted by the President of the United States to the two houses of Congress:—

*"United States, March the 5th, 1792.*

*"Gentlemen of the Senate, and of the House of Representatives:—*

"Knowing the friendly interest you take in whatever may promote the happiness and prosperity of the French nation, it is with pleasure that I lay before you the translation of a letter which I have received from His Most Christian Majesty, an-

171

S. Jor  
p. 404

H. Jor  
p. 527

## CHAP. IX.

## Miscellaneous—French Constitution.

1792.

2d Congress.  
1st Session.

nouncing to the United States of America his acceptance of the Constitution presented to him by his nation.

“G. WASHINGTON.”

TRANSLATION OF A LETTER FROM THE KING OF FRANCE, OF SEPTEMBER 19th, 1791.

“*Very dear great Friends and Allies:*

“We make it our duty to inform you that we have accepted the Constitution which has been presented to us in the name of the nation, and according to which France will be henceforth governed.

“We do not doubt that you take an interest in an event so important to our kingdom and to us; and it is with real pleasure we take this occasion to renew to you assurances of the sincere friendship we bear you: whereupon, we pray God to have you, very dear great friends and allies, in his just and holy keeping.

“Your good friend and ally,

“LOUIS.

“*Written at Paris, the 19th of Sept., 1791.*

“MONTMORIN.

“*The United States of North America.*”

Resolution  
proposed.

On the 10th of March, it was moved that the House come to the following resolution:—

“*Resolved*—That this House hath received, with sentiments of high satisfaction, the notification of the King of the French, of his acceptance of the Constitution presented to him in the name of the nation: and that the President of the United States be requested, in his answer to the said notification, to express the sincere participation of the House in the interests of the French nation, on this great and important event, and their wish, that the wisdom and magnanimity displayed in the formation and acceptance of the Constitution, may be rewarded by the most perfect attainment of its object, the permanent happiness of so great a people.” H. Journal, p. 532.

Motion to  
commit ne-  
gated.

A motion was then made to commit this motion; and the question being taken, it was decided in the negative, by the following vote:— Id. p. 533.

*Ayes*—Messrs. Ames, B. Bourne, Goodhue, Gordon, Hillhouse, Lawrance, Learned, Livermore, Niles, Sedgwick, Jere. Smith, Wm. Smith I. Smith, Sturges, Wadsworth, Ward, Wayne.—17.

*Noes*—Messrs. Ashe, Baldwin, Barnwell, Benson, Clarke, Findley, Fitzsimons, Giles, Gilman, Gregg, Hartley, Heister,

2d Congress.  
1st Session.

Jacobs, Key, Kitchell, Kittera, Lee, Macon, Madison, Mercer, Murray, Page, Schoonmaker, Seney, Steele, Sterrett, Sumpter, Thatcher, Tredwell, Tucker, Venable, Vining, White, Williamson, Willis.—35.

Resolution  
divided.

The resolution was then discussed, and a division being demanded, the question was first taken on agreeing to the first part of the motion, in the words following:—

“*Resolved*—That this House has received, with sentiments of high satisfaction, the notification of the King of the French, of his acceptance of the Constitution presented to him in the name of the nation; and, that the President of the United States be requested, in his answer to the said notification, to express the sincere participation of the House in the interests of the French nation, on this great and important event.”

First part  
agreed to.

And this motion was determined in the affirmative, by the following vote:—

*Ayes*—Messrs. Ames, Ashe, Baldwin, B. Bourne, Clarke, Findley, Fitzsimons, Giles, Gilman, Goodhue, Gordon, Gregg, Hartley, Heister, Hillhouse, Jacobs, Key, Kitchell, Kittera, Lawrance, Learned, Lee, Livermore, Macon, Madison, Mercer, Murray, Niles, Page, Schoonmaker, Sedgwick, Seney, Jere. Smith, I. Smith, Wm. Smith, Steele, Sterrett, Sturges, Sumpter, Thatcher, Tredwell, Tucker, Venable, Vining, Wadsworth, Ward, Wayne, White, Williamson, Willis.—50.

*Noes*—Messrs. Barnwell, Benson.—2.

The second part of the motion was then taken up for consideration, as follows:—

“And their wish that the wisdom and magnanimity displayed in the formation and acceptance of the Constitution, may be rewarded by the most perfect attainment of its object, the permanent happiness of so great a people.”

Second  
part a-  
greed to.

The question being taken on agreeing to this part of the resolution, it was decided in the affirmative, by the following vote:—

H. Jo  
P. 584

*Ayes*—Messrs. Ashe, Baldwin, B. Bourne, Clarke, Findley, Fitzsimons, Giles, Gilman, Gregg, Hartley, Heister, Key, Kitchell, Kittera, Lee, Macon, Madison, Mercer, Murray, Niles, Page, Schoonmaker, Seney, Steele, Sterrett, Sturges, Sumpter, Thatcher, Tredwell, Tucker, Venable, Vining, Wayne, White, Willis.—35.

*Noes*—Messrs. Ames, Barnwell, Benson, Goodhue, Gordon, Hillhouse, Jacobs, Lawrance, Learned, Livermore, Sedgwick, Jere. Smith, I. Smith, Wm. Smith, Wadsworth, Ward.—16.

## CHAP. IX.

## Miscellaneous—French Constitution.

1792.

3d Congress.  
1st Session.

It was then ordered, that Messrs. Tucker, Madison, Mercer, Vining, and Page, be appointed a committee to wait on the President of the United States with the resolution. And, on the 13th, Mr. Tucker, from this committee, made report that the committee had discharged the duty assigned to them.

The subject was taken up in the Senate, on the 12th of March, when the following resolution was submitted for consideration:—

Resolution  
offered in  
Senate.

“*Resolved*—That the President of the United States of America be requested to make known to the King of the French, the satisfaction with which the Senate of the United States have received the official communication of his acceptance of a constitution, which, it is their earnest wish, may establish, on a solid basis, the freedom and prosperity of the French nation, and the happiness and glory of the monarch presiding over it.”

H. Journal,  
p. 535.

The consideration of this resolution was postponed till the next day, when it was moved to postpone the above motion, in order to take up the following:—

Motion to  
postpone  
negated.

“*Resolved*—That the President of the United States be informed that the Senate have received with satisfaction the official intelligence that the King of the French has accepted the Constitution presented to him by the National Assembly, and are highly gratified by every event that promotes the freedom and prosperity of the French nation, and the happiness and glory of their king.”

S. Journal,  
p. 408.

The question being taken on the motion to postpone, it was determined in the negative, by the following vote:—

*Ayes*—Messrs. Bassett, Cabot, Ellsworth, King, Strong, Wingate.—6.

*Nays*—Messrs. Bradley, Burr, Butler, Carroll, Dickinson, Few, Foster, Gunn, Hawkins, Henry, Johnston, Izard, Langdon, Lee, Monroe, Morris, Read, Robinson, Rutherford, Stanton, Sherman.—21.

Resolution  
amended  
and adopted.

The original was then amended and agreed to in the following form:—

Id. p. 409.

“*Resolved*—That the President be requested to make known to the King of the French, that the Senate of the United States have received, with the highest satisfaction, the official communication of his acceptance of a constitution, which, it is their earnest wish, may establish, on a solid basis, the freedom and prosperity of the French nation, and the happiness and glory of the monarch presiding over it.”



2d Congress.  
1st Session.

Ordered to  
be laid be-  
fore the  
President.

On the 14th, it was ordered that the above resolution be signed by the Vice-President, and laid before the President of the United States by the secretary. S. Jour. P. 410

On the 8th of February, 1792, the following message was transmitted to the two houses of Congress by the President of the United States:— H. Jour. P. 503

*"United States, February the 8th, 1792.*

*"Gentlemen of the Senate, and of the House of Representatives:—*

Message of  
President.

"An article of expense having occurred in the department of foreign affairs, for which no provision has been made by law, I lay before you a letter from the secretary of state, explaining the same, in order that you may do thereon what you shall find to be right.

"G. WASHINGTON."

JOHN  
BROWN  
CUTTING.

The message and letter were read, and referred to Messrs. Fitzsimons, Lawrance, and Goodhue. On the 22d, Mr. Fitzsimons, from this committee, made a report on the subject of the account of John B. Cutting, transmitted by the secretary of state; and this report was taken up for consideration on the 4th of May, when the following resolution was adopted by the House:— Id. p. 5

*"Resolved—That in consideration of certain expenditures on behalf of the United States, made by John Brown Cutting, in the year one thousand seven hundred and ninety, there be advanced and paid to the said John Brown Cutting the sum of two thousand dollars, out of any money not otherwise appropriated; and that the secretary of state be authorized to inquire into the entire claim of the said John Brown Cutting against the United States; and, upon receipt of the proofs and exhibits in support thereof, to ascertain what sum shall thereupon appear to be due to or from him, in account with the United States, including the advance hereby directed, and to report the same to the next session of Congress."*

It was then ordered, that Messrs. Fitzsimons, Lawrance, and Goodhue, prepare and bring in a bill pursuant to the above resolution. On the same day, Mr. Fitzsimons, from this committee, presented a bill concerning the claim of John Brown Cutting against the United States, which was then read the first and second time, and committed to a committee of the whole house. The bill was amended in committee of the whole on the 7th; and, having been reported without amendment, was ordered to Id. p. 1

## CHAP. IX.

Miscellaneous—John Brown Cutting.

1792.

2d Congress.  
1st Session.

be engrossed and read the third time. The bill was then read the third time, and, on the question of its passage, the vote appears to have been as follows:—

H. Journal,  
p. 602.

*Ayes*—Messrs. Ames, Barnwell, Benson, Boudinot, B. Bourne, Clarke, Fitzsimons, Gordon, Griffin, Heister, Huger, Lawrance, Learned, Lee, Livermore, Madison, Muhlenberg, Murray, Page, Wm. Smith, Steele, Sterrett, Tucker.—23.

*Noes*—Messrs. Ashe, Baldwin, S. Bourne, Brown, Giles, Goodhue, Key, Kitchell, Macon, Moore, Schoonmaker, Jere. Smith, I. Smith, Sturges, Sumpter, Silvester, Thatcher, Tredwell, Venable, Ward, White, Williamson.—22.

Bill passed.

The bill was therefore passed, and sent to the Senate for concurrence. And, on the 7th and 8th, this bill passed through its various readings in the Senate.

S. Journal,  
p. 440. 443

## MEMBERS OF THE FIRST CONGRESS.

### SENATE.

|                     |   |                |                             |   |                 |
|---------------------|---|----------------|-----------------------------|---|-----------------|
| Caleb Strong,       | } | MASSACHUSETTS. | Richard Henry Lee,          | } | VIRGINIA.       |
| Tristram Dalton,    |   |                | Wm. Grayson.                |   |                 |
| John Langdon,       | } | NEW HAMPSHIRE. | After 31st March,           | } |                 |
| Paine Wingate,      |   |                | 1790—John Walker,           |   |                 |
| Wm. S. Johnson,     | } | CONNECTICUT.   | 3d session—James Monroe,    | } |                 |
| Oliver Ellsworth,   |   |                |                             |   |                 |
| Philip Schuyler,    | } | NEW YORK.      | Samuel Johnston,            | } | N. CAROLINA.    |
| Rufus King,         |   |                | Benjamin Hawkins,           |   |                 |
| Jonathan Elmer,     | } | NEW JERSEY.    | Pierce Butler,              | } | SOUTH CAROLINA. |
| Wm. Paterson,       |   |                | Ralph Izard,                |   |                 |
| 3d session,         |   |                |                             |   |                 |
| Philemon Dickinson, |   |                |                             |   |                 |
| Wm. Machy,          | } | PENNSYLVANIA.  | William Few,                | } | GEORGIA.        |
| Robert Morris,      |   |                | James Gunn,                 |   |                 |
| Charles Carroll,    | } | MARYLAND.      | At the 3d session appeared— | } |                 |
| John Henry,         |   |                | Joseph Stanton,             |   |                 |
|                     |   |                | Theodore Foster,            |   | RHODE ISLAND.   |

### REPRESENTATIVES.

|   |   |                |   |           |   |               |              |   |   |              |          |
|---|---|----------------|---|-----------|---|---------------|--------------|---|---|--------------|----------|
| Abiel Foster,<br>Nicholas Gilman,<br>Samuel Livermore,  | }   | NEW HAMPSHIRE. | John Vining—  | DELAWARE. |   |               |              |   |   |              |          |
| George Thatcher,<br>Fisher Ames,<br>George Leonard,<br>Elbridge Gerry,<br>Benjamin Goodhue,<br>Jonathan Grout,<br>George Partridge,<br>Theodore Sedgwick. |   |                | }   | MARYLAND. |   |               |              |   |   |              |          |
| Benjamin Huntington,<br>Roger Sherman,<br>Jonathan Sturges,<br>Jonathan Trumbull,<br>Jeremiah Wadsworth,  |   |                |   |           | } | CONNECTICUT.  |              |   |   |              |          |
|   | Egbert Benson,<br>William Floyd,<br>John Hathorn,<br>Jeremiah Van Rensselaer,<br>John Lawrance,<br>Peter Silvester, | }              |   |           |   |               | N. YORK.     |   |   |              |          |
|   |   |                |   |           |   |               |              | Elias Boudinot,<br>Lambert Cadwalader,<br>James Schureman,<br>Thomas Sinnickson,  | } | NEW JERSEY.  |          |
| George Clymer,<br>Thomas Fitzsimons,<br>Thomas Hartley,<br>Daniel Heister,<br>F. A. Muhlenberg,<br>Peter Muhlenberg,<br>Thomas Scott,<br>Henry Wynkoop,   |   |                |   |           | } | PENNSYLVANIA. |              |   |   |              |          |
|   | Daniel Carroll,<br>Benjamin Contee,<br>George Gale,<br>Joshua Seney,<br>William Smith,<br>Michael Jenifer Stone,    | }              |   |           |   |               | VIRGINIA.    |   |   |              |          |
|   |   |                |   |           |   |               |              | Theodoric Bland,<br>John Brown,<br>Isaac Coles,<br>Samuel Griffin,<br>Richard Bland Lee,<br>James Madison, jr.<br>Andrew Moore,<br>John Page,<br>Alexander White,<br>Josiah Parker, | } | S. CAROLINA. |          |
|   |   |                | Edanus Burke,<br>Daniel Huger,<br>William Smith,<br>Thomas Sumpter,<br>Thomas Tudor Tucker, | }         |   |               |              |   |   |              | GEORGIA. |
|   |   |                |   |           |   |               |              |   |   |              |          |
| Benjamin Bourne—  |   |                |   |           | } | N. CAROLINA.  |              |   |   |              |          |
|   | John Baptiste Ashe,<br>Timothy Bloodworth,<br>John Sevier,<br>John Steele,<br>Hugh Williamson,                      | }              |   |           |   |               | RHOE ISLAND. |   |   |              |          |

## MEMBERS OF THE SECOND CONGRESS.

### SENATE.

John Langdon, }  
Paine Wingate, } NEW HAMPSHIRE.

Moses Robinson, }  
Stephen R. Bradley, } VERMONT.

Caleb Strong, }  
George Cabot, } MASSACHUSETTS.

Joseph Stanton, }  
Theodore Foster, } RHODE ISLAND.

Roger Sherman, }  
Oliver Ellsworth, } CONNECTICUT.

Aaron Burr, }  
Rufus King, } NEW YORK.

John Rutherford, }  
Philemon Dickinson, } NEW JERSEY.

Robert Morris, }  
Albert Gallatin, } PENNSYLV.  
from Feb. 28, 1793. }

George Read, }  
Richard Bassett, } DELAWARE.

John Henry, }  
Charles Carroll, } MARYLAND.  
2d session—  
Richard Potts, }

James Monroe, }  
Richard Henry Lee, } VIRGINIA.  
2d session—  
John Taylor, }

Samuel Johnston, }  
Benjamin Hawkins, } N. CAROLINA.

Pierce Butler, }  
Ralph Izard, } SOUTH CAROLINA.

William Few, }  
James Gunn, } GEORGIA.

2d session { John Browne, } KY.  
                  { John Edwards, }

### REPRESENTATIVES.

Nicholas Gilman, }  
Samuel Livermore, } N. HAMPSHIRE.  
Jeremiah Smith, }

2d session { Nathaniel Niles, } VERM'T.  
                  { Israel Smith, }

George Thatcher, }  
Fisher Ames, } MASSACHUSETTS.  
George Leonard,  
Elbridge Gerry,  
Benjamin Goodhue,  
Theodore Sedgwick,  
Shearjashub Bourne,  
Artemus Ward, }

Benjamin Bourne—RHODE ISLAND.

Jonathan Trumbull, }  
Jeremiah Wadsworth, } CONNECTICUT.  
Jonathan Sturges,  
James Hillhouse,  
Amasa Learned, }

Egbert Benson, }  
John Lawrance, } N. YORK.  
Peter Silvester,  
James Gordon,  
Cornelius C. Schoonmaker,  
Thomas Tredwell, }

Elias Boudinot, }  
Abram Clarke, } NEW JERSEY.  
Jonathan Dayton,  
Aaron Kitchell, }

Thomas Fitzsimons, }  
Daniel Heister, } PENN'A.  
Thomas Hartley,  
Frederick A. Muhlenberg,  
William Findley,  
Andrew Gregg,  
Israel Jacobs,  
John W. Kittara, }

John Vining—DELAWARE.

Philip Key, }  
Samuel Sterrett, } MARYLAND.  
Upton Sheridan,  
William Vans Murray,  
Joshua Seney.  
2d session—  
William Hindman.  
William Pinckney,  
2d session—  
John F. Mercer. }

John Browne, }  
Samuel Griffin, } VIRGINIA.  
William B. Giles,  
Richard Bland Lee,  
James Madison,  
Andrew Moore,  
Josiah Parker,  
John Page,  
Alexander White,  
Abraham Venable, }

## MEMBERS OF THE SECOND CONGRESS.

|  |                |   |             |
|--|----------------|---|-------------|
| John Baptiste Ashe,<br>John Steele,<br>Hugh Williamson,<br>William B. Grove,<br>Nathaniel Macon, | } N. CAROLINA. | Abraham Baldwin,<br>Francis Willis,<br>Anthony Wayne,<br>afterwards John<br>Milledge, | } GEORGIA.  |
| Daniel Huger,<br>William Smith,<br>Thomas Sumpter,<br>Thomas Tudor Tucker,<br>Robert Barnwell,   | } S. CAROLINA. | 2d session—<br>Christopher Greenup,<br>Alexander Orr,                                 | } KENTUCKY. |

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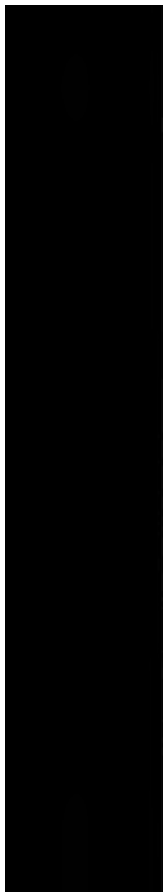
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